**The Hon'ble Sri Justice A.V.Sesha Sai**

**Writ Petition No.3571 of 2017**

**Date: 08.03.2017**

**Order:**

This Writ Petition is filed for the following substantive relief:

> "to issue a WRIT OF MANDAMUS declaring the action of the respondents in disconnecting the power supply on 28-11-2016 to the petitioner service No.14143310555 001343 without any default any consumption charges or any violation of the Electricity Act 2003, is illegal, arbitrary and violation of natural justice and consequently to direct the respondents to restore the power supply to the petitioner service No.14143310555 001343."

Heard Sri Dasari.S.V.V.S.V.Prasad, learned Counsel for the petitioner, and Sri M.Ravindra, learned Standing Counsel for the respondent- Eastern Power Distribution Company of Andhra Pradesh Limited.

According to the petitioner, he is doing prawn culture in the land admeasuring Acs.2-00 cents in Survey Nos.8/2 and 8/3 of Challapalli Village, Uppalaguptham Mandal, East Godavari District, pursuant to the permission accorded by the Coastal Aquaculture Authority, Chennai, on 05-04-2010. It is stated that he was allotted electricity service connection bearing S.No.14143310555001343

category LT3(A)(I) Industrial Normal Sub Category Pisci and Prawn Culture. His grievance is that the respondent authorities came to his aqua farms on 28-11-2016 and disconnected the power supply without issuing any notice or affording him an opportunity of hearing. He pleaded that he is a small farmer, illiterate and hails from poor family.

On the other hand, in the counter-affidavit filed by respondent No.4- Assistant Engineer (Operations), it is stated that one Nukala Venkata Reddy Naidu, who is the brother of the petitioner, committed theft of energy; that therefore, a case under Section 135 of the Electricity Act, 2003, was registered; that an amount of Rs.20,19,187/- was assessed towards the theft of energy and an amount of Rs.1 lakh was assessed towards the compounding fee; that the said petitioner's brother utilized the power from the service of the petitioner; that therefore, a notice was issued to the petitioner on 05-12-2016; that on his refusal to receive the same, the same was pasted to the wall on 08-12-2016 in the premises of the petitioner and that the power supply was disconnected on 20.12.2016.

During the course of hearing, a copy of notice bearing Lr.No.AAE/OIUPG/F.No.Doc/D.No.654/16, dated 05.12.2016, is placed on record by the learned Standing Counsel for the respondents. A perusal of the same clearly discloses that the

Additional Assistant Engineer (Operation), APEPDCL, Uppalaguptam, issued notice asking the petitioner to stop the power supply to the service connection of his brother and further stating that in the event of his failure to do so, the power supply to his service connection would be disconnected.

However, a perusal of the material available on record clearly discloses that before resorting to the impugned action of disconnection of power supply, the respondents did not issue any show cause notice nor afforded any opportunity of hearing to the petitioner. Therefore, on this ground alone, the matter requires reconsideration.

Hence, the Writ Petition is disposed of directing the respondents herein to restore power supply to the petitioner's service connection subject to his depositing a sum of Rs.25,000/- with the respondent authorities within one week from today and also on his giving an undertaking to the effect that he will not supply power to his brother's service connection. However, the respondents are at liberty to proceed in accordance with law after issuing show cause notice and after giving an opportunity of hearing to the petitioner herein.

As a sequel to disposal of the Writ Petition, WPMP.No.4255 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

**(A.V.Sesha Sai, J)**

**Dt: 8th March, 2017**

**Note:**
**Furnish CC by Friday.**
**B/o**
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