

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23734 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declare the impugned Lr.No. ADE/OP/MBNR Urban/D.No.458/17 dt:30.6.2017 on the file of Respondent No.3 as illegal, arbitrary, in violation of Common Judgment of this Hon'ble Court made in W.A.No.738/2017 & W.P.No.18287/2017 dt:16.6.2017 and contrary to the provisions of The Electricity Act, 2003 and consequently direct the Respondent NO.3 to restore power supply to the petitioner premises service Connection SC No.0175222483 Category LT II (B) - Non Domestic/Commercial.”

2. Heard learned counsel for the petitioner and also the learned standing counsel Sri R.Vinod Reddy, for the respondents 1 to 3 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. No doubt, this is second round of litigation; as in the first round, the petitioner impugned in W.P.No.18287 of 2017, the so-called assessment and demand, vide provisional assessment notice of demand for Rs.13,18,756/-, by letter dated 02.05.2017 and in the said writ petition, there was an interim direction to the respondents not to disconnect the power supply to the petitioner provided the notice received by

the petitioner is complied with by filing objections and by deposit of the amount claimed therein. Having been aggrieved by the said interim order of this Court, petitioner maintained W.A.No.738 of 2017 and a Division Bench of this Court, allowed the said W.A., by setting aside the impugned notice, with a direction on 16.06.2017, to fix early hearing of the petition on 28.06.2017 and therefrom to pass a reasoned order, at any cost by 31.07.2017. It is pursuant to it the impugned order covered by the present writ petition was passed.

4. The impugned order dated 30.06.2017, particularly from Paras 3 and 4, speaks after hearing objections on 28.06.2017 at 11.00 am and observing the test results conducted at LTCT meter lab/Hyderabad, UTL company and EBS reports, it is concluded that the meter was meddled. It is therefrom directed to pay the original demand of Rs.13,18,756/- (wrongly mentioned as Rs.13,18,931/-) covered by the earlier provisional assessment notice, that was set aside by the order in W.A.No.738 of 2017. The impugned order referred supra is not a reasoned one, though directed by the Appellate Court in W.A.No.738 of 2017 to pass a reasoned order, as it no way reflects as to what are the objections from the personal hearing raised and how it is considered.

5. Having regard to the above, this writ petition is allowed and the impugned order is set aside and the respondents are directed to pass a reasoned order on or before 31.07.2017.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

25.07.2017

*Note: issue C.C. by tomorrow.
B/o.SS*

