

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24834 of 2017

ORDER:

The petitioner is having a service connection bearing No.1512083332000126. While so it was inspected on 15.06.2017 by the AEDPE SD-DPE1, Eluru, and it was found that the service connection was being used for Category II Prawn Tank Aerator motors and water motor by directly tapping the nearest LT line. Accordingly, theft of energy case was booked under Section 135 of the Electricity Act, 2003. A provisional assessment of electrical charges was made and pending determination of civil liability, the petitioner was asked to make payment of Rs.2,94,573.69. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that eighteen hours was taken into account for the purpose of calculation of provisional assessment, whereas the Rules provide for only nine hours calculation in the case of unauthorized used of electricity and theft of electricity in LT3.

Taking nine hours into consideration is not disputed by the learned Counsel for the respondents.

In the circumstances and in view of insisting for payment of 50% of the assessed amount, this Court feels that the case of the petitioner shall be referred for determination of civil liability, on condition of the petitioner paying 1/4th (one fourth) of the

provisionally assessed amount to the respondents, within a period of thirty (30) days. On such payment, the electricity service connection shall be restored to the petitioner and the case of the petitioner shall be referred to the Special Court for determination of civil liability.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

28.07.2017
vs



(A.RAMALINGESWARA RAO, J)