

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25519 of 2017

ORDER:

The petitioner took on lease the premises bearing No.42-792/1 and 42-792/2 situated in plot Nos.31 & 47, Survey No.374 admeasuring 625 square yards situated at Satyagiri Colony, Moulali, Malkajgiri Mandal Mandal from its owners under lease deed dated 25.11.2014 for a period of 11 months, and subsequently also the lease is being continued and the petitioner is in possession of the same, which is used for running a hotel in the name of A-One Restaurant. The premises is having the electricity connection in the name of the owner under the category of non-domestic/commercial bearing No.1704 20321 and the electricity bills are paid regularly. While so it was inspected on 14.07.2017 by the DE, DPE, RR East, and it was found that the meter seals were found in tampered condition. Accordingly, after testing, 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 50% of the assessed amount i.e., Rs.2,43,263.5 and supervision charges of Rs.100/- along with reconnection charges of Rs.75/- for restoration of supply and to pay the balance 50% amount in two installments. Challenging the same, the present Writ Petition is filed.

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 four weeks. 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.

01.08.2017
vs

(A.RAMALINGESWARA RAO, J)