

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25942 of 2017

ORDER:

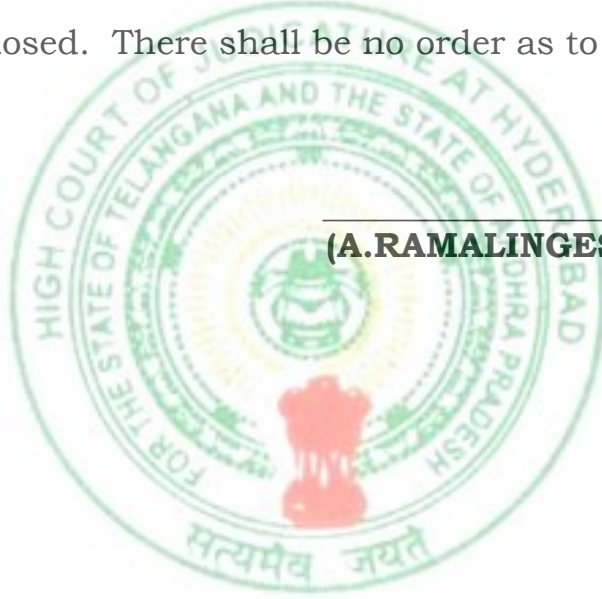
The petitioner is the owner of house bearing D.No.2-64, Pothunagepally Village, Dharmavaram Mandal, Anantapur District, which was leased in favour of Andhra Bank. While so, the service connection of the said house was inspected on 20.07.2017 by the AE-T, DPE, and it was found that power was used through unauthorized meter. Accordingly, theft of energy case was booked under Section 135 of the Electricity Act, 2003 (for short, the Act). A provisional assessment notice was issued on 25.07.2017 asking the petitioner to pay the assessed amount of Rs.1,63,640/- along with supervision charges of Rs.100/- and it was informed that proceedings for determination of civil liability under Section 154 of the Act and criminal liability under Section 135 of the Act for committing theft would be initiated. The petitioner was also informed that a criminal case on account of theft of energy was registered against him in the Vigilance & APTS Team, APTS Police Station, and he was asked to approach the Station House Officer, Vigilance & APTS Team, Anantapur, for paying the compounding fee of Rs.17,000/- for closure of criminal case as first offence as per Section 154 of the Act. Challenging the said order, dated 25.07.2017, the present Writ Petition is filed.

In the circumstances, and in view of insisting for payment 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. As and when such amount is paid, 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.

03.08.2017
vs



(A.RAMALINGESWARA RAO, J)