

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33216 of 2017

ORDER:

Heard learned Counsel for petitioner and the learned Standing Counsel for respondents.

The petitioner states that he took a small industrial shed situated in Plot No.70, IDA F-4, Katedan, Gaganpahad, Rajendranagar, Hyderabad, on lease from his landlord on a monthly rent of Rs.15,000/-. The shed is having a service connection (category LT-III Industrial) which was obtained from the first respondent.

While so, an inspection was conducted by the Electricity Department on 23.02.2017 and it was noticed that there was a theft of electricity. Pursuant to the same, a provisional assessment notice was issued on 10.03.2017 assessing the loss of energy at Rs.2,98,188/- and he was asked to pay 50% of the said amount, besides the compounding fee of Rs.1,00,000/-. The petitioner paid the compounding fee and also paid an amount of Rs.1,49,094/-. Now that the petitioner is being asked to pay the balance amount and when his service connection was disconnected, the present writ petition is filed.

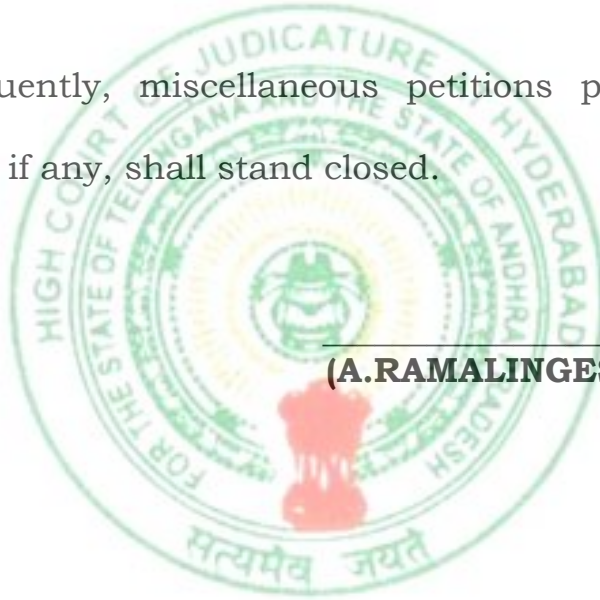
Since this is a case of theft of energy, the liability of the petitioner has to be decided by the competent Special Court. As stated above, the petitioner had already paid 50% of the assessment amount and in view of the same, there cannot be

any disconnection of electricity supply till the liability of the petitioner is determined by the Special Court constituted under Section 153 of the Electricity Act.

In view of the above, the writ petition is disposed of directing the respondents to restore the service connection of the petitioner and refer the matter to the Special Court for determination of civil liability and till such determination, the electricity service connection of the petitioner shall not be disconnected.

Consequently, miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

05.10.2017
vs



(A.RAMALINGESWARA RAO, J)