

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.7249 OF 2009

ORDER :

In the present writ petition, challenge is to the proceedings of the Superintendent of Engineer Operation Circle, Ranga Reddy [North]-1st respondent herein vide letter No.SE/OP/PRC/n/SAO/HT/D.No.796, dated 12.02.2009.

Heard learned counsel for the petitioner, Sri K.Durga Prasad and Sri R.Vinod Reddy, learned Standing counsel for the respondents.

The Assistant Divisional Engineer Operation Circle, APCPDCL, Malkajgiri-2nd respondent herein while indicating sum of Rs.1,20,798/- towards past billing, directed the petitioner to make a representation, in the event of there being any objection for the same. The objections were submitted on behalf of the petitioner on 26.11.2002. Thereafter, by way of impugned proceedings, dated 12.02.2009, the 1st respondent directed the petitioner to pay sum of Rs.1, 17,065/- while indicating therein that in the event of failing to pay the same, there would be disconnection of power supply.

Reiterating the averments in the affidavit filed in support of the writ petition, it is contended by the learned counsel for the petitioner that being a Quasi Judicial authority, the 1st respondent ought to have given reasonable opportunity of hearing to the petitioner herein, before passing the order under challenge. It is further stated in the affidavit filed in support of

the writ petition that by letter dated 08.06.2005, petitioner was directed to be present for enquiry on 13.03.2005 at 4.00 p.m. and on the said date, petitioner was asked to come on 20.06.2005 and when the petitioner representative appeared on 20.06.2005 at 4.00 p.m., office staff of the 1st respondent informed that meeting was adjourned and next date of hearing would be informed subsequently. It is further stated that the petitioner did not receive any communication thereafter, for a long time and petitioner was under the impression that the 1st respondent was satisfied with the explanation offered by the petitioner and closed the enquiry. Surprisingly, the present impugned notice came to be issued on 12.02.2009. It is the further submission of the learned counsel for the petitioner that the impugned action on the part of the 1st respondent, in not giving opportunity of hearing to the petitioner before passing the impugned order is a patent violation of the principles of natural justice.

The said averments in the affidavit, are not denied by the respondents, by filing any counter affidavit. Therefore, the said averments are required to be taken as true and they stand unrebutted. It is a settled and well established proposition of law that any action by the authorities, which has a civil consequence, is required to be preceded by notice and opportunity of being heard to the persons likely to be affected by such action.

In the instant case, the respondents herein did not adhere to the said principle of law. On this ground alone, the impugned order is liable to be set aside.

For the aforesaid reasons, the writ petition is allowed, setting aside the letter No.SE/OP/PRC/n/SAO/HT/D.No.796, dated 12.02.2009, of the 1st respondent and the matter is remanded for fresh consideration, in accordance with law, after giving notice and affording opportunity of hearing to the petitioner. Since it is stated by the learned counsel for the petitioner that the petitioner has already paid half of the amount, demanded in the impugned order, pursuant to the interim order granted by this Court on 07.04.2009 in WPMP.No.9499 of 2009, the same shall be taken into consideration by the respondents, while passing the orders. No costs.

As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.V.SESHA SAI, J

04.07.2017

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