

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10193 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Provisional Assessment Notice dt.13.03.2017 in Lr.ADE/O/JRG/F.No./D.No.189 issued by 5th respondent in connection with the Electrical Service Connection bearing No.DIRECT TAPPING CATEGORY LT3 (A) (I) - INDUSTRIAL NORMAL Sub-Category Pesci and Prawn Culture at Guravaigudem Village and consequential action of respondents in insisting the petitioner to pay the provisional assessed amount of Rs.3,82,245/- and compounding amount of Rs.56,000/-, though the connection is not belonged to him, as illegal, irregular, irrational, without any authority of law, violative of provisions of The Electricity Act, 2003, rules and regulations framed there under and offends Articles 14 and 21 of Constitution of India and consequently direct the Respondents not to insist the petitioner to pay any Provisional Assessment Amount pursuant to Provisional Assessment Notice dt.13.03.2017 in Lr.ADE/O/JRG/F.No./D.No.189 issued by 5th respondent and refer the dispute to the Competent Court for determination of liability.”

2. Heard Sri Siva Sankara Rao Borra, learned counsel for the petitioner, learned Government Pleader for Energy (A.P.) appearing for respondent No.1, Sri M.Ravindra, learned Standing Counsel

appearing for respondent Nos.2 to 6, and the learned Government Pleader for Home (A.P.) appearing for respondent No.7.

3. It is pleaded in the affidavit filed in support of the writ petition that respondent No.5 incorrectly issued provisional assessment notice to the petitioner for the electric service connection which is not concerned with the petitioner herein. Further, it is stated that the petitioner brought the said aspect to the notice of the respondents herein and requested them not to insist for payment of the said amount, but unfortunately, respondent Nos.5 to 7 fixed a dead line for payment of the entire provisional assessment amount.

4. At the time of hearing, it is submitted by Sri M.Ravindra, learned Standing Counsel, that explaining the said aspect, it is open to the petitioner to make a representation to the authorities and the same will be considered in accordance with law.

5. Recording the said submission, the Writ Petition is disposed of, leaving it open to the petitioner herein to submit a representation explaining the situation within a period of one week from the date of receipt of a copy of this order and the respondents shall consider the same and pass appropriate orders within a period of two (2) weeks thereafter as per law. Till then, there shall be interim suspension of the impugned notice. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

22.03.2017
AMD



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.10193 OF 2017

Date: 22.03.2017

AMD