

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.797 of 2017

ORDER:

Heard Mr. C. Raghu for petitioner and Mr. Vinod Reddy for respondents 1 to 4.

2. Petitioner challenges provisional assessment communicated through Lr.No.ADE/OP/DXI/FNo.135-09/D.No.04/16 dated 19.09.2016 demanding a sum of Rs.5,05,340/- and compounding fee of Rs.67,000/- as illegal, arbitrary to the facts and circumstances of the case and unconstitutional.

3. Mr. C. Raghu, to assail the provisional assessment, though advanced several submissions, finally submitted the real reason for invoking the writ jurisdiction is for getting reconnection.

4. I have perused the material available on record and this Court is of the view that the merits now canvassed by petitioner cannot and could not be considered at this stage. It is for the second respondent to consider and take a decision as is warranted in the facts and circumstances of the case. For the present, to meet the ends of justice, I am satisfied that the writ petition can be disposed of by directing the respondents to restore power supply to petitioner subject to petitioner depositing a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and filing proof of payment. The compounding fee, it is alleged, is already paid. The payment now made is subject to further orders in this behalf. Petitioner is given liberty to file explanation within two (2)

weeks from today and the second respondent is directed to pass final orders in this behalf within six (6) weeks thereafter.

The writ petition is disposed of accordingly. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 5, 2017  
DSK

S. V. BHATT, J

