

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.17252 OF 2017

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed seeking to issue writ of mandamus declaring the Assessment Notice for Short Billing (Back Billing), dated 14.02.2017, issued by the third respondent and the consequential electricity bill, dated 12.05.2017, as illegal and arbitrary.

2. Heard Sri B.V.Rama Rao, learned counsel for the petitioner. No representation for the respondent-Organisation.

3. Learned counsel for the petitioner would submit that the petitioner has submitted his explanation on 04.03.2017 as an answer to the provisional assessment order, dated 14.02.2017, but despite the same, the respondents have included the disputed amount in the bill pertaining to the month of April, 2017.

4. When an explanation is submitted, it is the duty of the respondent-Organisation to consider and decide the same.

5. Learned counsel for the petitioner has placed on record the order, dated 26.04.2017, passed by this Court in W.P.No.15172 of 2017 in an identical situation. The relevant portion of the aforesaid order reads thus:

“Since the explanation is pending consideration before the authorities and no final orders have been passed so far, this Court does not find any justification on the part of the respondents in including the amount covered by the

provisional assessment order in the bill pertaining to the month of April, 2017. It is open for the respondents to consider the explanation offered by the petitioner on 23.02.2017 and pass final orders in accordance with law. The respondents, pending consideration of the explanation, shall not insist on the payment of the amount covered by the provisional assessment order.”

6. In terms of the order, dated 26.04.2017, passed by this Court in the aforesaid Writ Petition, the present Writ Petition is also disposed of directing the respondents not to insist on payment of the amount covered by the provisional Assessment Order, dated 14.02.2017, pending consideration of the explanation offered by the petitioner. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

May 25, 2017.

Note:

Furnish C.C. of the order
by tomorrow.

B/O.

Tsy/MD

A. SHANKAR NARAYANA, J