

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28514 OF 2017

ORDER:

The petitioner took the premises bearing shop Nos.16 to 22 from East to West direction including the open lands situated within the District Cooperative Central Bank Limited Complex, Station Road, Mahabubnagar on lease for a period of three years initially on 10.12.2010. Subsequently, it was extended. The petitioner is running a Hotel by name 'Ruchi Hotel'. The hotel is having an electricity connection bearing SC No.0175222483 under Category-II(B)-Non Domestic/Commercial-Above 50 units. While so, pursuant to the inspection conducted on 09.03.2017 of the premises, a notice for theft of electricity was issued on 30.06.2017 and the said order was ultimately set aside by a Division Bench of this Court directing the respondents to consider the representation of the petitioner and pass a fresh order. Now, an order is passed on 17.08.2017 sustaining the allegation of theft of electricity and the petitioner was asked to pay an amount of Rs.6,59,378/- being 50% of the assessed amount along with supervision charges of Rs.100/- and Re-connection charges of Rs.75/- for restoration of supply. Challenging the same, the present writ petition is filed.

Since this is a case of theft of electricity, the civil liability of the petitioner has to be decided by the Special Court constituted for the said purpose. Since the civil liability has not yet been decided, this Court feels that 25% of Rs.13,18,931/-, which is the original demanded amount, shall be paid by the petitioner subject to the decision of the Special Court, the ends of justice would be met.

In the circumstances, this writ petition is disposed of directing the respondents not to disconnect the power supply to the petitioner if the petitioner pays 25% of the above demanded amount and the respondents

are also directed to refer the matter to the Special Court for determination of the civil liability.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

24.08.2017
pln

