

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4318 OF 2014

ORDER:

Though WVMP is listed; inasmuch as the dispute lies in narrow compass, with the consent of the parties, the main writ petition itself is being disposed of.

It is the case of the petitioner that he is the Secretary to a Non-Profitable Organization viz., M/s. Pragathi Social Organization and the organization has taken on lease to an extent of Ac.6.00 guntas, situated at Gachibowli Village, Sherlingampally Village, Ranga Reddy District and to an extent of Ac.22.22 guntas in Sy.Nos.38 & 39 vide document dated 3.3.2012, situated at Gachibowli, Serilingampally Mandal, Ranga Reddy District. It is stated that after taking on lease from its original patta holder, the organization is in possession over the said property. In that process, the organization built a shed for old aged women in Sy.No.32 situated at Gachibowli, Serilingampally Mandal, Ranga Reddy District and applied to the respondents for electricity connection by paying the required fee. Thereafter, on 22.01.2014, a meter was fixed at the premises by giving Service Connection No.12016 06071 against Registration No.NR907131002858. On 3.2.2014, petitioner received the information stating that the registration of electricity was rejected due to legal disputes. Thereafter, the petitioner brought to the notice of the 6th respondent about the injunction suits in O.S.Nos.1355 of 2013 and 1356 of 2013 on the file of the Junior Civil Judge, Ranga Reddy District pending between the parties i.e., the petitioner and the 7th respondent and further stated that the 7th respondent has nothing to do with the property in question and the petitioner demanded the respondents to restore the power connection, but the respondents did not take any steps to restore the power connection. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 to 6. Though notice was served to the 7th respondent, none appeared for the 7th respondent.

Having considered the respective submissions, the writ petition deserves to be allowed on the simple ground that, as mandated under Section 56 of the Electricity Act, 2003 and the Regulations made there under, as approved by the A.P. Electricity Regulatory Commission, as adopted by Telangana State Electricity Regulatory Commission, a notice of 15 days is required to be given if a disconnection is to be effected. In the present case, mainly on the complaint made by the 7th respondent, rejection of power supply was made to the petitioner. In those circumstances, as the petitioner was not given any opportunity to make his stand clear, rejection of the power supply connection which was sought to be made cannot be sustained.

Accordingly, the writ petition is allowed, without expressing any opinion with respect to the title of the property in question, either of the petitioner or the 7th respondent, leaving it for the respective parties to workout their remedies in the appropriate civil proceedings. As power has been restored pursuant to the interim order dated 20.02.2014 passed by this Court in W.P.M.P.No.5337 of 2014, no disconnection shall be effected without following the due process. No order as to costs.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:03.01.2017
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