

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22972 of 2017

ORDER :

The writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“..to issue a writ, Order or Direction(s) particularly one in the nature of Writ of Mandamus declaring the actions of the 3rd respondent in issuing the Demand Notice, dated: 28-04-2017 vide Lr.No.ADE/ Op/ ZHB-T/ F.No.33/ 17/ D.No.188/ 17, determining the civil liability for theft of electricity provisionally assessed at Rs.3,37,403/- and directing the Petitioner to pay 50%of assessed amount of Rs.1,68,701/- for restoration of the power supply is highly illegal, arbitrary, exorbitant and against the principal of natural justice and violative of Article 14, 16, 19(1)(g), 21 and 300-A and 301 of the Constitution of India and set-aside the same, and consequently direct the Respondents to restore the power supply to the Petitioner service Number 0001 18887 in H.No.5-2-15, Shanthinagar, Zaheerabad (V) & (M), Medak District, Telangana State, and pass such order or orders as this Hon’ble Court may deem fit and proper in the circumstance of the case, in the interest of justice.”

Heard.

Subject to payment of 40%of the impugned amount with usual reconnection charges, the respondent-Authorities are directed to restore the power supply meantime and the petitioner is also directed to maintain an appeal raising all

the grievances as stated in the writ petition, within one month from the date of receipt of copy of this order and the respondent-Authorities shall entertain the appeal subject to payment of 10% balance as a compliance of 50% payment or deposit to the appeal and without insisting on period of limitation and decide the appeal on own merits thereafter. In the meantime to say pending disposal of the appeal the balance 50% of impugned demand is directed not to enforce and the pendency of appeal saves limitation period for recovery in view of this order of stay against recovery.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 18-07-2017

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