

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35399 of 2017

ORDER:

The petitioner is a tenant of a small shed having service connection bearing SC No.340506028. While so it was inspected on 22.09.2017 by the AE SD-II, DPE RR SOUTH, and a theft of energy case was booked under Section 135 of the Electricity Act, 2003. A provisional assessment of electrical charges was made and pending determination of civil liability, the petitioner was asked to make payment of 50% of the assessed amount i.e., Rs.5,00,744.5 and supervision charges of Rs.100/- along with reconnection charges of Rs.75/- for restoration of supply and to pay the balance 50% amount in two installments. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner paid 25% of the provisionally assessed amount and also the compounding fee on 17.10.2017 and 06.10.2017 respectively and the respondents disconnected the power supply on the ground that the petitioner failed to pay the balance 75% of the provisionally assessed amount.

Since the petitioner already paid 25% of the provisional assessment amount and the liability of the petitioner is yet to be determined by the Special Court, it is not proper for the respondents to disconnect the power supply. As the petitioner

has already paid the 25% of the provisional assessment amount, the electricity service connection of the petitioner shall be restored and the case of the petitioner shall be referred to the Special Court for determination of civil liability.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

25.10.2017
vs

(A.RAMALINGESWARA RAO, J)

