

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.45128 OF 2017

DATED : 29.12.2017

Between :

Mr.Syed Liyaqath Ali S/o.Syed Mohammed Ali,
Aged about 26 yrs, Occu : Prop. Ali Flour Mill,
R/o.H.No.23-1-323/1/A, Bibi Bazar, X Road,
Moghalpura, Charminar, Hyderabad.

.. Petitioner

And

The State of Telangana,
Rep., by the Principal Secretary,
Energy Department, Secretariat,
Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Alleging that the consumer was indulging in theft of electricity energy, violating Section 135 of the Electricity Act, 2003 (for short 'the Act'), by letter dated 26.10.2017 the consumer was informed that service connection is disconnected on 26.10.2017 and pending determination of civil liability by the appropriate Court under Section 154 (5) of the Act, he was directed to pay electricity charges due to the company which is provisionally assessed at Rs.1,14,631/-. Petitioner challenges this notice.

3. One of the contentions urged by the learned counsel for the petitioner is that Jaffer Masood died long ago and notice was issued on a dead person. However, he does not dispute that the factum of death of original consumer/original licence holder was not informed to the Distribution Company and electricity charges are continued to be paid by him in the name of a dead person.

4. Be that as it may, the Court is not going into the details of various issues agitated including the aspect of continuation of name of a dead person as a consumer.

5. This Court is informed that the Division Bench of this Court in W.P.No.18093 of 2003 and batch, by judgment dated 26.10.2016 held that the authorities have no jurisdiction to value the loss of energy or determine the civil liability of consumers on the allegation of pilferage or defect in meters and matters be transferred to the Special Court constituted under Section 153 (1) of the Act.

6. Learned counsel for the respondents submits that this matter will also be placed before the Special Court.

7. Pending reference to the Special Court and determination of liability of the petitioner, petitioner is directed to pay 50% of the amount quantified in the impugned notice. Petitioner shall deposit 25% of the amount quantified within one week from today and the balance 25% shall be deposited within three weeks from today. Subject to depositing the first 25% of the amount, the power connection may be restored immediately on payment of said amount.

8. Learned counsel for the petitioner also undertakes to inform the respondents the details of the occupant of the subject premises and death of the licence holder. On furnishing of the information, the competent authority of the Southern Power Distribution Company of Telangana State Limited, shall take appropriate steps.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

29th December, 2017

Note : Issue c.c. by 02.01.2018.

B/o
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