

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2498 of 2018

ORDER :

Questioning the high-handed and arbitrary disconnection of power supply to Service Connection No. 6633200001832 of the petitioner's property situated at RS No. 404/11, Reddygudem Village and Mandal, Krishna District, at the instance of the 5th respondent, this Writ Petition has been filed.

Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for Respondents 2 to 4.

This is a case which reflects the arbitrariness on the part of the respondent authorities, as, admittedly, no notice has been issued to the petitioner, in terms of Section 56 of the Electricity Act, 2003, which mandates prior notice to be issued before disconnecting the power supply. Even exercise of such power under Section 56 is limited to the extent where the consumer is in default.

In the present case, there is no such allegation against the petitioner and apart from that, no notice has been issued to him. Disconnection appears to have been made only at the instance of the 5th respondent, who, admittedly had civil disputes with the petitioner which resulted in filing O.S.No. 194 of 2012 on the file of the Principal Senior Civil Judge's Court at Nuzvid. Merely because the 5th respondent had made a complaint, the same cannot be a ground for the respondents to disconnect the power supply.

In those circumstances, the respondent authorities shall forthwith restore the power supply and service meter of the petitioner bearing SC No. 6633200001832.

The Writ Petition is accordingly, allowed with costs of Rs.3,000/- (Rupees three thousand only) payable to the petitioner.

No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

06th February 2018

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