

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3498 of 2018

O R D E R:

Challenging the proceedings, dated 29.01.2018, issued by respondent No.2-Assistant Divisional Engineer (Operations), Balanagar Sub-Division, TSSPDCL, Hyderabad proposing to disconnect the power supply to the service connection of the petitioner till the conversion of power supply from LT Cat.III (A) to HT Cat.I, the present writ petition is filed.

The petitioner-Tibrewala Plastics and M/s. Sushil Press Work are carrying on businesses independently and they had obtained two service connections bearing Nos.SZ059153 and SZO39782 and paying electricity consumption charges without fail. While so, on 21.10.2017, respondent No.2 inspected the premises of the petitioner and issued assessment notice, dated 23.10.2017 to the petitioner. Thereafter, respondent No.2 issued another notice on 28.10.2017 informing the petitioner for clubbing the aforesaid two service connections. Aggrieved by the same, the petitioner filed a representation before respondent No.1-Divisional Engineer (Operations) on 23.11.2017 objecting to the clubbing of the service connections as they belong to independent legal entities and the same is pending consideration. In spite of the same, respondent No.2 issued the impugned notice informing the petitioner that the authorities are going to disconnect the power supply. The petitioner submits that as the matter is pending before respondent No.1 with respect to the

clubbing of the service connections, respondent No.2 cannot exercise the power to disconnect the power supply.

Heard learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for the respondents.

In terms of Section 56 of the Electricity Act, 2003 (for short 'the Act'), the power of disconnection can be exercised only when a consumer fails to pay the electricity charges. If there is a dispute with respect to the amounts that are payable, the power of disconnection that is exercisable under Section 56 of the Act cannot be resorted to. In the case on hand, undisputedly there are two legal entities which are provided with two different service connections. As on date, there is no dispute with respect to the payment of consumption charges. The question as to whether the petitioner is not entitled to obtain two independent service connections for the same premises requires consideration and the same is debatable. The petitioner had already made representation to respondent No.1 with respect to clubbing of two service connections. Since there exists a dispute, it takes away the power of the respondents to disconnect the service connection in exercise of power under Section 56 of the Act.

In view of the facts and circumstances of the case, interests of justice would be served if a direction is issued to respondent No.1 to dispose of the representation, dated 23.11.2017, made by the petitioner in accordance with law. Till such time, no coercive steps of disconnection of power supply shall be taken without

there being any default on the part of the petitioner in respect of the consumption charges.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:06.02.2018

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