

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.4127 of 2018

ORDER :

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

2. The petitioner's grievance is that petitioner has made a requisition to respondents on 21.12.2017 for 25 KV electricity connection, agreeing to pay required fee and complete all the formalities, but the 3rd respondent has not taken any action thereon.

3. The petitioner has also filed his registered sale deed in support of his title to the property which is not disputed by the Standing Counsel for respondents.

4. In the counter-affidavit filed by respondents, however, it is stated that in the same premises there was earlier, another tenant by name M/s.Metro Washers, which had been granted a service connection in its name; that there were dues payable by the said tenant; and that the said tenant had in fact vacated the premises and filed WP.No.11448 of 2015 for shifting of the electricity transformer provided to him, but he has not paid the shifting charges.

5. Since the said tenant had already vacated from the subject premises whatever be his financial liability to the respondents, it is open to respondents to recover the same from the said tenant.

6. However, in view of Section 43 of the Electricity Act, 2003 which imposes an obligation on the respondents to supply electrical energy subject to the Rules and Regulations framed by the 1st respondent, the excuse of the other tenant not paying dues raised by the respondents cannot be an impediment to provide electrical energy to the subject premises as per the request of the petitioner, if the petitioner pays the requisite charges therefor.

7. Accordingly, the Writ Petition is allowed. The respondents are directed to provide electrical energy to the subject premises without reference to the dues of the earlier tenant within a period of four (04) weeks from the date of receipt of copy of the order. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17.07.2018

Ndr/*