

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21442 of 2008

ORDER:

This Writ Petition is filed against the respondent Distribution Company, presently known as Telangana Northern Power Distribution Company Limited, alleging that through letter, dated 22.09.2008, the first respondent – Assistant Engineer, Electrical Operations, APNPDCL, Khammam, sought to disconnect power supply to the residential premises of the petitioner based on the complaint given by one Mamidala Anjaiah claiming right in the subject premises.

It is the specific case of the petitioner that when the said Mamidala Anjaiah and another, who are unofficial respondents herein, sought to interfere with his right in the subject premises, he filed O.S.No.309 of 2008 for permanent injunction and initially, temporary injunction was granted in his favour and that the respondent authorities merely on the complaint given by the said Anjaiah, without issuing any notice to him, sought to disconnect the power supply to the subject premises.

In the counter-affidavit filed by the respondent authorities, it is stated that the power supply was sanctioned to the petitioner with respect to the subject premises *vide* Service Connections bearing No.35808 and 37631 in the year 1998; that on account of

the complaint of one Mamidala Anjaiah and on the report of the Tahsildar, a show cause notice was issued to the petitioner on 22.09.2008 and as there was no response from him, disconnection was sought to be effected and the petitioner has failed to submit any proof to show that he is the owner of the subject premises.

A reply affidavit is filed by the petitioner enclosing the judgment and decree, dated 03.12.2010 in O.S. No.309 of 2008.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent Company appearing for respondents 1 to 4.

It is to be noted that though the said Anjaiah claims right in the subject premises, the fact remains that the said Anjaiah suffered the judgment and decree in O.S.No.309 of 2008 which espouses the case of the petitioner that he is in possession of the subject premises. As per the counter-affidavit of the respondent Company also, the petitioner was sanctioned service connection way back in 1998. Even assuming for argument sake that the said Anjaiah is the owner of the subject premises, inasmuch as the petitioner is the 'consumer' as defined under Section 2(xv) of the Electricity Act, 2003 (for short 'the Act') and Section 56 of the said Act mandates giving of a 15 days notice for disconnection of power supply, and admittedly, no notice was issued to the

petitioner, the alleged action of the respondent authorities in trying to disconnect the power supply to the subject premises of the petitioner cannot be sustained. Further, on account of the provisions of the Act, the electricity supply to the premises of a 'consumer' cannot be disconnected except in the specified circumstances. There being no ground specified by the respondent authorities with regard to disconnection of power supply to the subject premises as per the provisions of Section 56 of the Act, the impugned letter is unsustainable.

In those circumstances, this Writ Petition is allowed by setting aside the impugned letter, dated 22.09.2008.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

12th NOVEMBER, 2018.

kvni

CHALLA KODANDA RAM, J