

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9806 OF 2018

ORDER:

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

2. According to the petitioner, he is a L.T-III Consumer of the respondent organization with service connection bearing No.0554 06857. The Assessing Officer i.e., Assistant Divisional Engineer (Operation), TSSPDCL, Sangareddy District, *vide* Proceedings No.Lr.No.ADE/OP/SNG/F.No:THEFT/D.No.3525/16, dated 13.12.2016, issued an order of provisional assessment, provisionally assessing the amount payable as Rs.2,79,163/-. Aggrieved by the said assessment, petitioner raised objections on 13.02.2017. The Divisional Engineer (Operation), Sangareddy District, respondent No.3 herein, issued a final order of assessment *vide* DEE/OP/SRD/Tech/F.No./D.No.477/17-18, dated 26.05.2017, confirming the order of provisional assessment.

3. The grievance of the petitioner in the present writ petition is that though respondent No.3 passed the impugned order as long back as on 26.05.2017, the petitioner herein was communicated with the same only on 18.03.2018. It is the further case of the petitioner herein that the said final assessment order came to be issued without affording opportunity of personal hearing to the petitioner herein. According to the learned counsel for the petitioner, the final order of assessment passed by respondent No.3 is illegal, arbitrary, unreasonable and violative of Article 14 of

the Constitution of India besides being opposed to the principles of natural justice.

4. On the other hand, it is submitted by Sri R.Vinod Reddy, learned Standing Counsel for the respondent organization, that there is absolutely no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the order impugned is not amenable for judicial review under Article 226 of the Constitution of India. It is further submitted by the learned Standing Counsel that the order impugned is appealable and without availing the appeal remedy, the present writ petition is directly filed before this Court and on this ground alone, the present writ petition is liable to be rejected.

5. It is to be noted that in the affidavit filed in support of the writ petition, it is stated by the writ petitioner that without affording the opportunity of personal hearing, respondent No.3 passed the impugned final assessment order and the same is in violation of the principles of natural justice and opposed to the regulations.

6. Having heard the learned counsel for the petitioner and the learned Standing Counsel, this Court deems it appropriate to dispose of the writ petition, keeping it open to the petitioner herein to file an appeal before the appellate authority against the orders impugned in the present writ petition within a period of two (2) weeks from the date of receipt of a copy of this order, by depositing 1/3rd of the amount covered by the impugned order, with a further direction to the appellate authority to consider the said appeal and

pass orders strictly in accordance with law after giving opportunity to the petitioner herein. It is also made clear that if the above said amount is not deposited, this order will not enure to the benefit of the petitioner herein.

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

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 23.03.2018

Note:- Furnish C.C. in two (2) days.

B/O
AMD



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



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Date: 23.03.2018

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