

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16710 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings dated 21.5.2007 of the 1st respondent in confirming the proceedings dated 1.10.2001 of the 2nd respondent as arbitrary, illegal and contrary to the provisions of the Electricity Act, 2003 (for short 'the Act'), and consequently to direct the respondents not to give effect to the same.

Heard Sri M.Rajamalla Reddy, learned counsel appearing for the petitioner and Sri M.Ravindra, learned Standing Counsel appearing for the respondents.

The petitioner-factory obtained service connection bearing No.125 for supply of electricity. While so, on 17.4.1996, the respondent officials have inspected the premises of the petitioner and found that the petitioner was indulged in pilferage of energy by tampering the meter. The respondents have provisionally assessed the theft of energy to a tune of Rs.3,33,689/- by proceedings dated 15.05.1996 and the petitioner was asked to pay 50% of the said amount in order to restore the power supply, for which, the petitioner has submitted his explanation. Thereafter, the respondent authorities passed the final assessment order dated 01.10.2001 confirming the provisional assessment order dated 15.05.1996. Aggrieved thereby, the petitioner had preferred an appeal before the 1st respondent. While the matter was pending

before the 1st respondent, the petitioner vide representation 26.04.2007 sought three weeks time to produce the relevant proof to disprove charges framed. But the petitioner failed to produce the same. Thereafter, the 1st respondent *vide* order dated 21.5.2007 has confirmed the final assessment and rejected the appeal of the petitioner. It is further stated that the respondents also lodged criminal prosecution against the petitioner by filing C.C.No.762 of 2001 before the II Additional Judicial I Class Magistrate, Bhimavaram, who, vide judgment dated 22.12.2003, acquitted the petitioner.

Learned counsel appearing for the petitioner submits that the allegations made against the petitioner are false and no opportunity was given to it to produce relevant documents in proof of its case and therefore, the provisional assessment dated 15.05.1996 as well as the order in appeal dated 21.5.2007 are liable to be set aside.

Learned Standing Counsel appearing for the respondents contends that the petitioner has involved in theft of energy and after following the procedure, the respondents have rightly come to the conclusion that theft of energy was to a tune of Rs.3,33,689/- and every contention raised by the petitioner before the authorities concerned had been considered, and a detailed speaking order rejecting the appeal was passed and hence, no interference is called for from this Court.

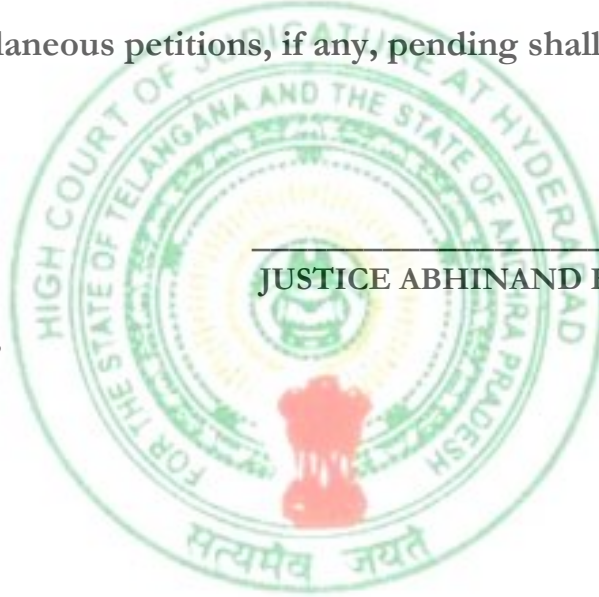
It is the contention of the petitioner that there is material to disprove the allegations made against it. But no such relevant material was also produced either before this Court or before the authorities concerned.

In the absence of any material to show that the petitioner has not involved in pilferage of energy, this Court cannot interfere with the orders impugned herein. The Writ Petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

12th April, 2018
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JUSTICE ABHINAND KUMAR SHAVILI