

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.1769 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief/ s:

“... to issue an appropriate Writ or Order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the impugned Provisional Assessment Notice No.ADE/OP.VSPM/D.No.4630 dt.24.12.2016, issued by the 2nd respondent, as illegal, unjust, unsustainable and consequently, set aside the same and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned standing counsel appearing for the respondents 1 to 3. I have perused the material record.

3. The facts, as discernable from the pleadings and submissions, which are necessary for consideration, in brief, are as follows:

The petitioners are running M/s.Narendra Restaurant & Bar for which the 2nd petitioner is the Manager and the 1st petitioner is the license holder. The premises, where the said Bar is being run, is provided with Category LT-II (B)- Non Domestic/ Commercial service connection bearing No.2212 02245. While so, the impugned notice was issued by the 3rd respondent on the ground that during the course of inspection it was found that there is no seal to the meter box and the meter terminal cover and that both the meter body cover seal bits are in tampered condition and that there is pilferage of the energy; and, a provisional assessment of the charges for energy pilfered was made for a sum of Rs.2,58,452/- . In the said provisional assessment order/ notice, the 2nd petitioner was informed that if he wishes to obtain reconnection, he may pay 50% of the assessed amount besides supervision charges and reconnection charges etcetera and seek restoration of the supply and pay the balance 50%of

the amount in two instalments. Aggrieved thereof, the petitioners preferred this writ petition.

4. This Court, while admitting the writ petition, on 20.01.2017, passed the following interim order: 'The 3rd respondent is hereby directed to restore the service connection No.221202245 situated at Nadergul Village, Saroornagar Mandal, Ranga Reddy District, on payment of 50% of the assessed amount by the petitioners.'

5. It is stated that the petitioners complied with the said condition.

6. At the hearing, learned standing counsel would submit as follows: - 'In matters of similar nature, this Court, is referring the cases to Special Court for determination of the civil liability, however, while directing payment of 1/4th of the demanded amount. Therefore, in this writ petition also, a similar direction may be given and the writ petition may be disposed of; however, since the petitioner has already paid 50% of the demanded amount, no further direction to pay any further amount need be given.'

7. Having regard to the facts and circumstances of the case and the submissions made, this Court holds that the case of the petitioners shall be referred to the Special Court for determination of civil liability. Nonetheless, the petitioners are liable to pay the current monthly consumption charges as per meter readings.

8. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

11.06.2018
VJI