

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5625 of 2007

ORDER:

Challenging the letter dated 09.03.2007, issued by the 2nd respondent to the 1st respondent directing the disconnection of power supply to the petitioner and few others on the ground that the premises occupied by the petitioner was being used as a commercial establishment without there being any permission from the municipal authorities, the present Writ Petition is filed.

The Writ Petition came to be admitted on 17.09.2007 and interim order was also granted. At the outset, it is to be noted that Section 56 of the Electricity Act, 2003 mandates issuance of notice to the consumer before resorting to power disconnection, specifically setting out the reasons for which the disconnection can be made.

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

The reason stated in the impugned order for directing the 1st respondent to disconnect the electricity connection to the house of the petitioner is conversion of the property owned by him from residential to commercial, but the impugned order does not state that a notice was issued to the petitioner prior thereto. On that simple ground, the impugned order is liable to be set aside. Apart from that, even assuming that there is violation of municipal byelaws, the second respondent could not have issued instructions to the 1st respondent to disconnect the power supply, as the power supply, consumption and the electricity charges are governed by the Electricity Act and the Distribution Company is governed by an

independent contract. Even for that reason the impugned order is liable to be set aside. However, when the matter is taken up for hearing, the learned counsel for the petitioner submits that as of date, the premises is assessed for municipal tax, as a commercial establishment and that they are paying taxes accordingly. Therefore, recording the said submission, the Writ Petition is closed. No costs.

Consequently, Miscellaneous Petitions pending, if any, shall also stand closed.

Date: 29.10.2018

Ssv

CHALLA KODANDA RAM, J

