

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.26247 of 2018

ORDER :

Heard the counsel for petitioners, and Sri R. Vinod Reddy, learned Standing Counsel for Telangana Southern Power Distribution Company Limited (T.S.P.D.C.L.), for respondents.

2. The grievance of petitioners is that they have applied for an electricity supply connection to the subject premises on 22.11.2017, and also made the requisite payment therefor on 22.06.2018, but the respondents are not providing power connection to petitioners' premises.

3. The counsel for petitioners contended that under Section 43 of the Electricity Act, 2003 it is obligatory on the part of respondents to give electricity connection to a premises provided application therefor is made either by owner or occupier within one (01) month, and that the respondents therefore cannot refuse to provide electricity connection to petitioners' premises.

4. In the counter-affidavit filed by respondents, it is stated that petitioners did submit an application on 22.06.2018 in the Customer Service Centre, Ibrahimbagh; that this was forwarded to 2nd respondent who visited the site, but one P. Naroatham Reddy had given an objection stating that a Civil Suit bearing O.S.No.1039 of 2014 is pending between that person and petitioners herein and others before

the VII Additional Judge, Ranga Reddy District at L.B. Nagar and requested not to give electricity connection to the subject premises on the request of petitioner; and that on the basis of the said objection, proceedings were issued on 27.07.2018 refusing permission to petitioner.

5. It is not the case of respondents that there is any injunction restraining the respondents from providing electricity connection to petitioners' premises in the said suit. Merely because a civil litigation is pending thereto the respondents cannot abdicate their duty under Section 43 of the above Act, and decline to provide electricity supply connection to the subject premises.

6. Accordingly, the Writ Petition is allowed with costs of Rs.1,000/- to be paid by 2nd respondent to petitioners.

7. The respondents are directed to provide electricity supply connection to the subject premises on the request of petitioners subject to petitioners paying the requisite charges therefor. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07.08.2018

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