

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.26668 of 2018

ORDER:

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

2. Petitioner has filed this Writ Petition assailing the proceedings dt.04-01-2016 of the 4th respondent demanding a sum of Rs.1,97,230/- towards loss of revenue on the premise that petitioner has indulged in pilferage of energy and asking the petitioner to pay 50% thereof for restoration of power supply.

3. Learned counsel for petitioner states that the petitioner has already paid 50% of the above amount provisionally assessed, but there is still pressure from the respondents to pay the balance amount.

4. Similar issue has been considered by this Court in its order dt.21-08-2017. In that case, this Court has held :

“Since this is a case of theft of energy, the liability of the petitioner has to be decided by the competent Special Court. As stated above, the petitioner had already paid 50% of the assessment amount and in view of the same, there cannot be any disconnection of electricity supply till the liability of the petitioner is determined by the Special Court constituted under Section 153 of the Electricity Act.

In view of the above, the Writ Petition is disposed of directing the respondents to refer the matter to the Special

Court for determination of civil liability and till such determination, the electricity service connection of the petitioner shall not be disconnected.

Consequently, miscellaneous petitions pending, if any, shall stand closed.”

5. Therefore, following the same, this Writ Petition is disposed of directing the respondents to refer the matter to the Special Court constituted under Section 153 of the Electricity Act, 2003 for determination of civil liability and till such determination, the electricity service connection of the petitioner shall not be disconnected. No costs.

6. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-07-2018

Note :- Issue C.C. tomorrow.

B/o.
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