

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

WRIT PETITION No.30365 of 2018

O R D E R:

Heard counsel for petitioner, Sri N.Siva Reddy, Standing Counsel appearing for 1st respondent, and the Government Pleader for Energy appearing for 2nd respondent.

2. Petitioner has assailed in this Writ Petition the inaction of the 1st respondent in not providing electricity supply to petitioner after receiving application dt.03.08.2018 from petitioner.

3. Sri N.Siva Reddy, Standing Counsel for 1st respondent says that there is a title dispute between petitioner and Wakf Board with regard to subject property and so the 1st respondent is justified in not giving electricity supply connection to the petitioner.

4. In view of the obligation cast on the 1st respondent under Section 43 of the Electricity Act, 2003 to provide electricity supply to persons, who are occupants of premises, though not owners, the 1st respondent cannot decline to provide electricity supply to the subject premises on the pretext that there is a title dispute between the petitioner and Wakf Board.

5. Clause 4 of TCS, which requires any authorization to be obtained from the owner of the premises where there is a

dispute between two parties would *prima facie* run contrary to Section 43 of the Electricity Act, 2003 and said regulation cannot prevail over the statute.

6. Therefore, the Writ Petition is allowed; the action of the respondents in not providing electricity supply to the petitioner's premises after receiving application along with requisite fee on 03.08.2018 is declared as illegal, arbitrary and unsustainable; and the respondents are directed to provide electricity supply to the petitioner's premises subject to the petitioner complying with other requirements excluding consent of the alleged owner. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



M.S.RAMACHANDRA RAO, J

20th September, 2018.
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