

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9503 OF 2016

Date:29.11.2018

Between:

Madanoolu Obulesu, S/o. Balappa,
Aged about 40 years, Occ: Business,
Mukte Poli Reddy, S/o. Penchala
Reddy, aged about 48 years,
R/o.N.V. Kandriga Village,
Chejarla Mandal, SPSR Nellore District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Energy Department,
Secretariat Building, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.9503 OF 2016****ORDER:**

Heard learned counsel for petitioner; learned Government Pleader for Energy appearing for respondent No.1 and Sri R. Vinod Reddy, learned Standing Counsel for respondents 2 and 3.

2. This Writ Petition is filed challenging the Provisional Assessment Notice for Theft of Electricity, dated 06.02.2016. Alleging that petitioner committed theft of electricity, the respondent company made a provisional assessment of liability as Rs.2,05,596/-. In addition, supervision charges are also fixed. This provisional assessment is subject to civil liability to be determined by appropriate Court under Section 154 (5) of the Electricity Act, 2003 (for short, 'the Act').

3. Taking note of the statement made before the Court that an amount of Rs.1,02,000/- was already paid, the Court, by order dated 30.03.2016, directed the respondent company to restore the power supply to petitioner's Service Connection No.7231304041466 and the power supply was restored.

4. Having regard to the same, the Writ Petition is disposed of directing the respondents not to insist the petitioner for the balance amount to be paid as per the provisional assessment until the proceedings are concluded under Section 154 (5) of the Act, if not already concluded. This order does not come in the way of respondents taking further action under Section 154 (5) of the Act, as noted in the impugned proceedings. The continuation of power

supply shall be subject to petitioner paying the electricity charges regularly and not committing any other violation of power supply. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:29.11.2018

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