

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.39108 OF 2018

Date: 02.11.2018

Between:

M/s. Durga Bhavani Minerals, Konanki Village,
Piduguralla Mandal, Guntur district, Andhra Pradesh,
rep.by its Proprietor, Mr. Mallela Adinarayana.

.....Petitioner

and

Southern Power Distribution Company of A.P. Limited,
Tirupathi, Chittoor district, A.P., rep.by its Vice
Chairman & Managing Director and two others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

With consent of learned counsel for petitioner and the learned standing counsel for respondents, writ petition is disposed of at the admission stage.

2. Petitioner is challenging the letter dated 27.10.2018, where under he was informed of disconnection of power supply and gave liberty for him to apply for reconnection of power supply provided if he paid the provisional assessment liability determined in the said proceedings pending determination of the civil liability under Section 154(5) of the Electricity Act, 2003.

3. Learned counsel for petitioner submits that amount determined is very high and there was no pilferage as alleged.

4. During the course of hearing, learned standing counsel submits that petitioner approached the Chief General Manager requesting to grant reasonable time and matter is under consideration. According to learned standing counsel, principal amount due for the energy consumed is more than 4,50,000/-.

5. Subject to petitioner paying an amount of 2,50,000/- (Rupees two lakhs fifty thousand only), re-connection of power supply shall be provided. However, petitioner shall pay balance amount of 2,50,000/- within three weeks from the date of re-connection of power supply. If for any reason, petitioner defaults in payment of second instalment of 2,50,000/-, without any further notice, the APSPDCL shall disconnect the power supply to the petitioner's premises. Subject to depositing the amount as directed above, respondents shall not demand any further amount till the issue is

decided by the appropriate Court under Section 154(5) of the Electricity Act, 2003. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 02.11.2018

Note: Issue C.C. by tomorrow

(b/o.)

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