

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 39791 of 2018

Date : 6.11.2018

Between:

R Suryadev Reddy S/o R R S Reddy Aged about 43 years Occ
Computer Engineer R/o H No 36192 Urdu lane
Himayathnagar Hyderabad

Petitioner

And

Southern Power Distribution Company of Telangana Ltd
Mint Compound Hyderabad Rep By its Chairman and
Managing Director & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned standing counsel for respondents and with their consent the writ petition is taken up for disposal at the admission stage.

2. According to petitioner, M/s. Miras Properties Developers (India) Pvt Limited constructed a complex viz., 'Shreyan's Ratnagiri', Vattinagupally village, Rajendranagar mandal, Ranga Reddy district, in which petitioner purchased Flat Nos. 302 and 303. By proceedings dated 9.5.2018 Assistant Divisional Engineer-second respondent issued notice to builder-M/s.Miras Properties Developers (India) Pvt Ltd alleging that residential building is being used for 'non domestic purposes' by establishing a hostel, therefore, they are liable for charges leviable for non domestic power supply connection. Petitioner challenges said notice in this writ petition.

3. According to learned counsel for petitioner, petitioner is owner of Flat Nos. 302 and 303 and the allegation that said flats are being used for non domestic purposes is not true; said flats are being used only for residential purposes and no notice is served on petitioner and was served on developer which is illegal.

4. From the reading of paragraph 5 of the impugned notice, it is clear that after making provisional assessment on usage of building for non domestic purposes and arriving at an amount of Rs.4,45,562.00, the developer was asked to respond by submitting representation and if necessary asking for personal hearing for explaining his version. It appears neither developer nor petitioner appeared before the competent authority to satisfy about nature of usage of property.

5. Learned counsel for petitioner would submit that petitioner would appear before the competent authority with relevant material.

6. Having regard to the said submission, writ petition is disposed of granting liberty to the petitioner to appear before the second respondent and submit written representation. He can also request to hold personal hearing and on making such a request, second respondent to conduct personal hearing on the date indicated by petitioner or on the same date if agreeable to petitioner and pass appropriate orders as warranted by law on consideration of the material placed before him. Pending consideration of the same, subject to petitioner depositing 50 % of the quantum of liability fixed on him i.e., towards two flats owned by him, power connection shall be restored to his flats i.e., flat nos. 302 and 303 'Shreyan's Ratnagiri', Vattinagupally village, Rajendranagar mandal, Ranga Reddy district. For arriving at 50% of the amount payable by petitioner towards his flats, the total amount of Rs.4,45,562.00, assessed by the respondent company shall be equitably divided into 16 portions and petitioner shall pay 50% of two portions towards two flats owned by him. Further, while paying 50% of the amount as indicated above, petitioner shall inform the competent authority power supply connection numbers allotted to his flats.

7. Subject to above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 6-11-2018
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