

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40259 OF 2018

DATED :09.11.2018

Between :

Amjad Ali Khan S/o.Mr.Mahboob Ali Khan,
Aged about 45 yrs, Occu : Business,
R/o.H.No.19-3-358, Jahanuma, Hyderabad,
Telangana State.

..
Petitioner

And

The State of Telangana,
Rep., by Principal Secretary,
Energy and Environment Department,
Secretariat, Saifabad, Hyderabad & others.

..
Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Energy for respondent No.1 and learned Standing counsel for respondents 2 and 3.

2. Petitioner is aggrieved by the letter dated 12.09.2018 informing him that he has misused the power supply connection given to him and alleging dishonest/abstracting/consuming/using electricity would amount to theft of electricity, made provisional assessment of liability for connections bearing SC No.M3025575 Category LT II(B) and SC No.M3009165 Category LT II(B).

3. Learned counsel for the petitioner sought to contend that the allegations made are frivolous and there was no theft of electricity.

4. It is only a provisional assessment made pending determination of civil liability by appropriate court under Section 154(5) of the Electricity Act, 2003 (for short 'the Act'). Thus, at this stage, no opinion can be expressed on the allegations leveled, as it would prejudice the proceedings under Section 154 (5) of the Act.

5. However, to balance the equities, this Court deems it fit to dispose of the writ petition by granting liberty to the petitioner to pay 50% of the amount demanded in two proceedings. With reference to SC No.M3025575, petitioner is directed to pay 25%

of the amount immediately and on payment of the 25% of the amount, power supply connection shall be restored. Petitioner shall pay further 25% of the amount within three (3) weeks from the date of restoration of power supply connection. With reference to SC No.M3009165, petitioner shall pay 50% of the amount demanded, immediately. In the event of payment of such amount, power supply connection shall be restored. If the amount is not paid within three weeks as mentioned above, without further notice, the respondent-company can disconnect the power supply. Subject to payment of amount as directed above, the respondents shall not demand balance 50% of the amount until the proceedings under Section 154 (5) of the Act, are concluded.

6. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

9th November, 2018
Rds

P.NAVEEN RAO,J