

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40537 of 2018

Date : 12.11.2018

Between:

Kishore Patel S/o Narsinh Patel Aged about 45 Occ Business
R/O Satyanam Nivas Plot No 37 Shivabagh Colony Ameerpet
Hyderabad

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Energy Secretariat Hyderabad
And 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. Petitioner is aggrieved by order in Lr No. ADE/OP/G bowli/PA Notice/D No.225/18 dated 9.5.2018 holding that in domestic premises, hostel is run, therefore it amounts to violating the terms and conditions of granting power supply connection and levying an amount of Rs.8,04,979/- as electrical charges including penal charges. By this letter, petitioner was asked to deposit the amount quantified or to go in appeal before the Divisional Engineer.

3. According to learned counsel for petitioner, letter dated 9.5.2018 was not received by petitioner till a bill was served on him in the month of June, 2018 which contains the amount due as mentioned above. Thereafter, petitioner paid an amount of Rs.4 lakhs and submitted a representation to the Divisional Engineer. According to learned counsel the order is not preceded by notice nor any opportunity of personal hearing was given to petitioner, therefore on that ground the impugned letter is liable to be set aside.

4. In the representation made to the Divisional Engineer, there is no mention of non receipt of order or not granting opportunity before imposing the penal charges. However, since petitioner has already submitted a representation to the Divisional Engineer (O), without entering into merits of the matter, writ petition is disposed of directing the Divisional Engineer (O) to consider representation of the petitioner dated 10.8.2018 and any additional representation that may be filed

within one week. If request is made by petitioner, to conduct personal inspection of the subject premises, the same may be conducted in his presence by fixing a date in advance, consider all aspects and pass appropriate orders as warranted by law within a period of three weeks from the date of receipt of additional representation. It is open to petitioner to raise all the pleas in support of his case. Until orders as directed above are passed, respondents shall not demand further amount as quantified in the impugned letter.

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

DATE: 12-11-2018
TVK

P NAVEEN RAO,J



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