

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO.41337 OF 2018

Date: 22.11.2018

Between:

V.Pramod Reddy, s/o. V.Satyanarayana Reddy,
Aged about 28 years, occu: Service,
r/o. H.no.17-1-386/1/S/49, S.N.Reddy Nagar,
Saidabad, Hyderabad and others.

....Petitioners

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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ORDER:

Heard learned counsel for petitioners 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 petitioners, M/s. Miras Properties Developers (India) Private Limited constructed a complex viz., 'Shreyan's Ratnagiri', Vattinagupally village, Rajendranagar mandal, Ranga Reddy district, in which petitioners purchased their respective Flats. By proceedings dated 09.05.2018, the Assistant Divisional Engineer (2nd respondent) issued notice to builder-M/s.Miras Properties Developers (India) Private Limited 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 connections. Petitioners challenge said notice in this Writ Petition.

3. According to learned counsel for petitioners, petitioners are the owners of their respective flats 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 petitioners 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 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 petitioners

appeared before the competent authority to satisfy about nature of usage of property.

5. Learned counsel for petitioners would submit that petitioners 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 petitioners to appear before the 2nd respondent and submit their written representations. They can also request to hold personal hearing and on making such a request, 2nd respondent to conduct personal hearing on the date indicated by petitioners or on the same date if agreeable to petitioners and pass appropriate orders as warranted by law on consideration of the material placed before him. Pending consideration of the same, subject to petitioners depositing 50% of the quantum of liability fixed on them i.e., towards 14 flats owned by them, power connection shall be restored to their flats i.e., flat nos.103, 104, 201, 202, 203, 204, 301, 302, 303, 304, 401, 402, 403 and 404, 'Shreyan's Ratnagiri', Vattinagupally village, Rajendranagar mandal, Ranga Reddy district. For arriving at 50% of the amount payable by petitioners towards their respective flats, the total amount of 4,45,562.00, assessed by the respondent company shall be equitably divided into 16 portions and petitioners shall pay 50% of 14 portions towards 14 flats owned by them. Further, while paying 50% of the amount as indicated above, petitioners shall inform the competent authority power supply connection numbers allotted to their respective flats.

Pending miscellaneous petitions shall stand closed.

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