

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.43221 OF 2018

Date:30.11.2018

Between:

Sai Baba Stone Industry, rep.by its Proprietor,
T.Shivraj Singh, s/o. late Thakur Moti Singh,
R/o.Sy.No.50/A, Gouthapur, tandoor,
Vikarabad district, T.S., and another.

.....Petitioners

and

The Southern Power Distribution Company of
Telangana, rep.by its Chairman and Managing
Director, Corporate Office at 6-1-50, Mint
Compound, Hyderabad, Telangana state and
another.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioner and Sri R.Vinod Reddy, learned standing counsel for respondents and with their consent this writ petition is disposed of at the admission stage.

2. Petitioner claims to be the tenant of land in Sy.No.50/A of Gouthapur village, consisting of six high Polythene machines, one table cutting machine. Service connection number was provided to the said premises. By the order impugned, it was alleged that petitioner was indulging in theft of electricity, and made provisional assessment of liability. Pending determination of the civil liability by the appropriate Court under Section 154 (5) of the Electricity Act, 2003, as per the provisional assessment made, petitioner is directed to pay 50% of 9,07,038.00. This order is under challenge. Since the issue has to be gone into by the appropriate Court under Section 154(5) of the Electricity Act, 2003, Court is not entering into the merits of the contention of learned counsel for petitioner.

3. Suffice to note that as huge liability is fixed on the petitioner and civil liability has to be determined by the competent Court, while leaving it open to the respondent-company to pursue the matter as per Section 154 (5) of the Electricity Act, petitioner is directed to pay 50% of the provisionally assessed amount. If such amount is paid, power connection shall be restored. Until the issue is resolved by the competent Court, the respondent-company shall not demand payment of balance 50% of the liability. Writ Petition is accordingly disposed of. Pending miscellaneous petitions if any shall stand closed.

JUSTICE P.NAVEEN RAO

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