

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43462 OF 2018

DATED :11.12.2018

Between :

ALI BIN HUSSAIN

S/o Hussain Ali Somali

Aged about 58 yrs

Occ Business

R/o 3-5-785/11, 12 King Kothi Hyderabad

..

Petitioner

And

The State of Telangana,

Through its Principal Secretary, Energy,

Having office at T.S.Secretariat,

Hyderabad & others.

..

Respondents



This court made the following :

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ORAL ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Energy for respondent No.1 and Sri R.Vinod Reddy, learned Standing counsel for respondents 2 to 5.

2. Petitioner in this writ petition is owner of residential flat in house bearing No.3-5-785/11 and 12, King Kothi, Hyderabad. All the flat owners were granted domestic power supply connection. Alleging that the domestic power supply connection is misused for commercial purpose by running hostel, proceedings are initiated levying penalty and that proposing to convert the domestic power supply connection to commercial purpose. Aggrieved thereby, petitioner preferred appeal. The said appeal was rejected by order dated 08.11.2018.

3. According to learned counsel for the petitioner, petitioner is not utilizing the subject property for any commercial purpose as alleged. Petitioner leased out the property to a tenant, who has sub-leased the same. But there is no commercial activity and that he is not running hostel as alleged. However, the appellate authority records as if the petitioner has admitted the factum of large number of girls living in the flat.

4. Learned counsel for the petitioner vehemently contends that there was no such statement made as alleged and it is without any basis and contrary to the grounds urged in the appeal preferred by the petitioner.

5. According to learned Standing counsel, respondent company has a vigilance unit whose job is to investigate whether consumers are misusing the power supply. The vigilance unit undertakes inspection of various properties to ascertain whether there is any misuse of power supply connection granted to them under various headings. As the inspection team found that flats in the apartment building, including the one owned by petitioner are converted for commercial purpose, penalty is levied. However, there is no material to substantiate its claim. Further it appears, the order dated 30.07.2018 only points out the alleged use of domestic supply for other purpose, but no details are furnished.

6. Having regard to the same, the proceedings impugned in the writ petition are set aside and the matter is remitted to the respondent-Company. The Respondent-company shall issue notice listing out the alleged illegalities noticed by them, with supporting material. As and when such notice is served on the petitioner, petitioner shall file explanation and he is also entitled to file documents in support of his claim. On consideration of the explanation, the competent authority shall pass orders as warranted by law.

6.1. Till a decision is made as directed above, no coercive action shall be taken against the petitioner. Petitioner shall continue to pay the domestic power supply charges. However, if there is a determination holding that petitioner has converted the domestic power supply for commercial purpose, he is liable to pay the charges as determined by the Company for the entire

period also. Further the amount already paid shall not be adjusted until the issue is decided by the respondent company.

7. With the above directions, the Writ Petition is allowed.

Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

11th December, 2018

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