

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.43391, 43395, 43406, 43426, 43436,
43438 & 43459 OF 2018**

DATED :10.12.2018

W.P.No.43391 of 2018:

Between :

Ali Bin Hussain, S/o. Hussain Ali Somali,
Aged about 58 yrs, Occu : Business,
R/o.3-5-785/11, 12, King Koti, Hyderabad.

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Petitioner

And

The State of Telangana,
Through its Principal Secretary, Energy,
Having office at T.S.Secretariat,
Hyderabad & others.

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Respondents



This court made the following :

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COMMON ORDER :

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

2. Petitioners in all these writ petitions are owners of individual residential flats 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 hostels, proceedings are initiated levying penalty and that proposing to convert the domestic power supply connection to commercial purpose. Aggrieved thereby, petitioners preferred appeal. The said appeal was rejected by order dated 08.11.2018.

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

4. Learned counsel for the petitioners 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 petitioners.

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 petitioners have converted the properties 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 petitions are set aside and the matters are 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 petitioners, petitioners shall file explanation and they are also entitled to file documents in support of their claim. On consideration of the explanations, 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 petitioners. Petitioners shall continue to pay the domestic power supply charges. However, if there is a determination holding that petitioners have converted the domestic power supply for commercial purpose, they are

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 Petitions are allowed.
Pending miscellaneous petitions shall stand closed.

10th December, 2018
Rds

P.NAVEEN RAO,J

