

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 45271 of 2017

ORDER:

This writ petition is filed challenging the letter, dated 18.12.2017, issued by respondent No.4-Superintending Engineer, APEPDCL, Operation Circle, Eluru directing the petitioner to pay the arrears regarding earlier service connection bearing No.132, Cat.III, which came to be disconnected on the allegation of theft of energy and in respect of the same, a case is pending before this Court, and a new service connection cannot be granted for the same premises as per Clause 18 of the General Terms and Conditions of Supply (GTCS) and the petitioner was also directed to submit an application online.

No counter-affidavit is filed by the respondents.

Learned counsel for the petitioner asserts that on an earlier occasion, when the petitioner's father represents Uma Maheswara Ice Factory was forced to pay the arrears in relation to Service Connection No.132, the same was challenged before this Court, which in turn, directed refund of the amount which was collected. The same came to be refunded to the petitioner's father as he succeeded in O.S.No.96 of 2003 and against the same, the authorities therein filed ASSR No.16548 of 2012 before this Court and the same is pending. Learned counsel further asserts that

for argument sake, if any dues are pending in relation to the premises on account of the fact that the said dispute is pending before this Court, the stand of respondent No.4 that the service connection cannot be provided is unsustainable. Learned counsel for the petitioner also asserts that the petitioner has no objection to make an application online.

Learned Standing Counsel for the respondents submits that in view of Clause 18 of GTCS, the petitioner cannot be provided with fresh service connection. He further submits that as and when the petitioner makes an application through online, the same would be considered.

It is to be noted that there is no dispute in relation to the claim of the respondents against service connection No.132. Admittedly, the respondents have lost O.S.No.96 of 2003 as against which they preferred an appeal and the same is pending before this Court. In other words, the claim in respect of service connection No.132 which was in existence in the premises in which the petitioner is claiming new service connection has not reached finality and as on date, it cannot be said that there is any claim subsisting against service connection No.132. Therefore, the contention of the respondents that there exists a dispute with regard to the above said service connection is totally imaginary and unsustainable.

In those circumstances, the writ petition is disposed of giving liberty to the petitioner to make an application online and subject to the condition of the petitioner fulfilling the requirements of GTCS for providing new connection, the petitioner shall be provided with the service connection.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:07.02.2018

kdl

