

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL No. 72 of 2019

Date: 15.04.2019

Between:

Sai Baba Stone Industry and another

...Appellants

and

The Southern Power Distribution Company of

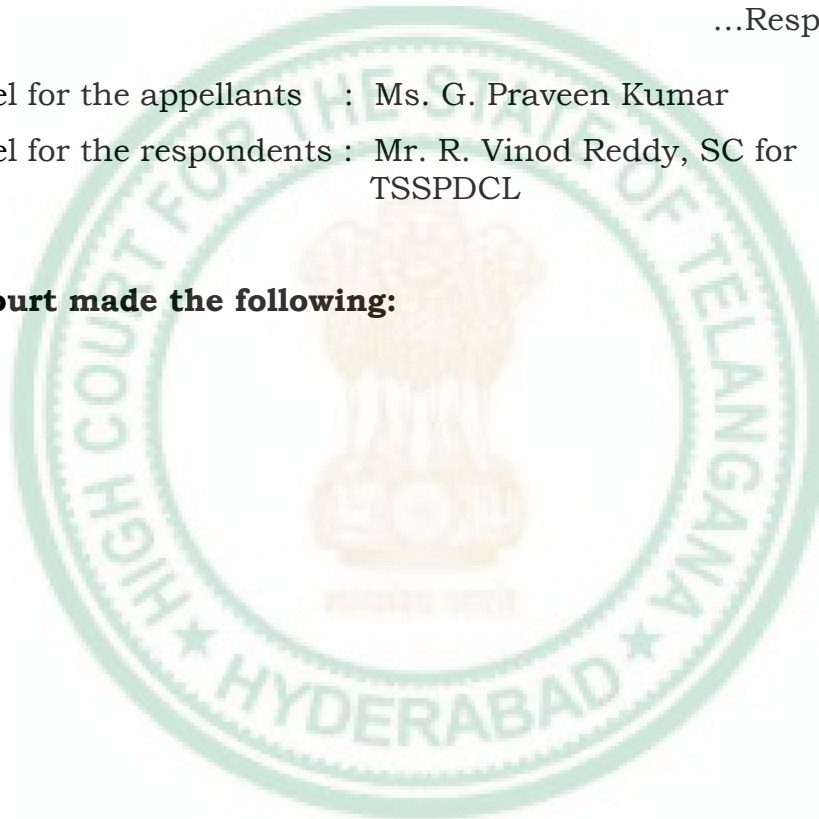
Telangana Limited and another

...Respondents

Counsel for the appellants : Ms. G. Praveen Kumar

Counsel for the respondents : Mr. R. Vinod Reddy, SC for
TSSPDCL

The Court made the following:



JUDGMENT: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

Aggrieved by the order dated 30.11.2018, passed by a learned Single Judge, in Writ Petition No.43221 of 2018, whereby the learned Single Judge has directed the appellants-petitioners to deposit 50% of the provisional assessment amount, i.e 50% of Rs.9,07,038/-, directed the respondents not to demand the remaining 50% of the amount, and has relegated the parties to pursue their remedy under Section 154(5) of the Electricity Act, 2003 ("the Act" for short), the appellants have approached this Court.

Mr. G. Praveen Kumar, the learned counsel for the appellants, submits that the respondents were not justified in issuing the demand notice without carrying out any final assessment. Moreover, no opportunity of hearing was given to the appellants. Therefore, the impugned order deserves to be set aside.

On the other hand, Mr. R Vinod Reddy, the learned Standing Counsel for the respondents, has vehemently contended that since disputed questions of fact are involved in the present case, the learned Single Judge was justified in relegating the parties to the Civil Court under Section 154(5) of the Act. Moreover, since it is a case of money recovery, the learned Single Judge was certainly justified in directing that 50% of the provisional assessment amount shall be deposited by the appellants.

In rejoinder, the learned counsel for the appellants prays that the appellants be directed to deposit the 50% of the provisional assessment amount in four equal monthly instalments. He further prays that after the first instalment is paid by the

appellants, the electricity connection should be restored. According to the learned counsel, it is very difficult for the appellants to operate the Stone Industry, in the absence of the electricity connection.

The learned counsel for the respondents submits that the appellants should also be directed to deposit the electricity bill amount regularly, as and when the electricity connection is restored by the respondents.

Heard the learned counsel for the parties.

The appellants are directed to deposit 50% of Rs.9,07,038/- in four equal instalments within a period of four months from May 1st, 2019. The respondents are directed to restore the electricity connection after the payment of the first instalment. However, it is clarified that in case the appellants were to commit any default in payment of the next set of instalments, the respondents shall be free to immediately disconnect the electricity connection. During the period the case is under consideration of the Civil Court, the respondents are not permitted to seek realisation of the remaining 50% of the amount from the appellants.

With these observations, the Writ Appeal stands disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A. RAJASHEKER REDDY, J)

15th April, 2019
JSU

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