

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.15552 OF 2019

ORDER

The case of the petitioner is that he is the tenant in the subject property and running bakery business in the name and style of 'Grand Corner'. The respondent – company alleged that the petitioner committed theft of electricity by meddling with the meter mechanism, and pending adjudication of civil liability under Section 154(5) of the Electricity Act, 2003 (for short 'the Act'), he was provisionally assessed to pay an amount of Rs.1,73,038/-, and vide the impugned Lr.No.ADE/OP/G bowli/PA Notice/D.No.3085/19 dated 28.03.2019, the 3rd respondent – TSSPDCL, represented by its Assistant Divisional Engineer, Operations, Gachibowli, informed the petitioner of the incriminating material and he was further informed that if he intends to obtain reconnection, has to pay 50% of the provisionally assessed amount, which comes to Rs.86,519/- along with supervision and connection charges. Aggrieved by the said letter dated 28.03.2019, the present writ petition is filed.

Learned counsel for the petitioner submits that petitioner is running a petty business in bakery items, and he has not committed the theft as alleged, and he is confident of proving his innocence in the trial. He submits that petitioner is not in a position to run the business without electricity, and that pending adjudication of civil liability, the provisionally assessment amount may be kept in abeyance and the respondent – company may be directed to restore the power supply.

Sri R.Vinod Reddy, learned Standing Counsel for the respondent – company submits that petitioner has committed theft of electricity by tampering with metering mechanism and the business run by him is lucrative and pending adjudication of his civil liability, the Company has already given concession of paying fifty per cent of the assessed amount for restoration of power supply, and hence the impugned letter may not be interfered with.

The allegation against the petitioner is that he has committed theft of electricity and the service connection has been disconnected, and the case of the petitioner is that due to disconnection he is unable to run the business, and the respondent –company has already offered for reconnection, subject to payment of fifty per cent of the provisionally assessed amount, pending adjudication of civil liability. Therefore, having regard to the circumstances pleaded by the petitioner and as the civil liability is still to be adjudged, I am of the considered view that if the petitioner is given option to pay an amount of Rs.43,000/- for restoration of power supply, then it would meet the ends of justice.

Having regard to the facts and circumstances of the case, pending adjudication of the civil liability, the petitioner is directed to pay amount of Rs.43,000/- (Rupees forty three thousand only) and on such payment, the respondent No.3 shall restore the power supply to the service connection of the petitioner, and he shall continue to pay the consumption charges regularly. It is needless to state that payment made in pursuance of this order, will be subject to the out come of the adjudication of civil liability under Section 154(5) of the Act.

The writ petition is disposed of accordingly. Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:24—07—2019

Note:

C.C. by tomorrow.

B/O
(AVS)