

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.20984 OF 2019**

**ORDER:**

This writ petition is filed challenging the action of the 3<sup>rd</sup> respondent demanding the petitioner to pay alleged remaining 50% of the provisional assessment amount noted in letter dated 20-06-2016 issued by him.

This Court granted interim order on 24-09-2019.

Counter affidavit is filed by learned Standing Counsel appearing on behalf of respondent-Corporation, wherein, in para No.5, it is stated as under:

“ It is submitted that the petitioner has paid a sum of Rs.1,83,778/- being 50% of the demand and the power supply was restored. The petitioner is liable to pay the balance of the 50%. It is submitted that the petitioner is liable to be prosecuted under Section 135 of the Electricity Act 2003 for theft of energy. Special Courts have been constituted to fix the Civil Liability in cases of theft. The case of the petitioner has to be referred to the Special Court and the Civil Liability shall be assessed under Section 154 (5) of the Electricity Act, 2003. The petitioner's case can be referred to the Special Court only after payment of the entire provisional assessed amount.”

Both counsel say that the matter can be referred to the Special Court for determining the civil liability under

Section 154(5) of the Electricity Act, 2003 (for short “the Act”).

In view of the same, the writ petition is disposed of. The respondents to refer the matter to the Special Court to determine the civil liability of the petitioner under Section 154 (5) of the Act. Till the same is decided by the Special Court, the interim order granted by this Court shall continue. Pending miscellaneous applications if any shall stand closed.

**A.RAJASHEKER REDDY,J**

21-10-2019

Nvl



