

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1840 of 2019

ORDER:

Petitioner is aggrieved by the notice dated 21.12.2018 informing him of the provisional assessment amount levied on petitioner on the allegation of theft of energy, subject to determination of civil liability under Section 154 of the Electricity Act, 2003 (Act, 2003), and the criminal liability under Section 135 of the Act, 2003. The amount quantified is Rs.4,05,306/-.

Since the issue is yet to be adjudicated under Section 154 of the Act, 2003, no opinion can be expressed at this stage on the demand made. However, in order to balance the respective claims, the respondents are directed to provide reconnection of power supply subject to petitioner depositing 50% of the amount assessed in the impugned letter, and payment of reconnection charges. If petitioner complies with the Court directions and reconnection of power supply is provided, respondents shall not demand balance amount till the issue is decided under Section 154 of the Act, 2003. Reconnection and continuous supply of electricity depends on compliance of all other requirements. It is needless to say that all the contentions raised by the petitioner in this writ petition are left open and the petitioner is at liberty to raise all these grounds before the Court below.

Writ Petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

3rd February 2020

ajr