

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16613 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to issue Writ or Order or Direction more particularly one in the nature or writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent in issuing the Letter No.ADE/OP/SNNR/DXV/HYD/D.No 2346, Dt 05.01.2018 as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India and set aside the same and issue such other Writ or order or Direction as this Honble Court may deem fit and proper in the interest of Justice and in the circumstances of the case.

Heard learned counsel on either side.

The grievance of the petitioner is that the respondents are demanding an amount of Rs.2,24,915/- towards consumption charges and also issued proceedings dated 05.01.2018 on the ground that he has illegally used the power supply.

Learned Standing Counsel appearing for the respondents contended that since the matter relates to the allegation of illegal consumption of power supply, it can be referred to the Special Court for adjudication under Section 154 (5) of the Electricity Act, 2003, (for short 'the Act'),

provided that the petitioner deposits 50% of the provisional assessment.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the writ petition can be disposed of directing the petitioner to deposit 50% of the provisional assessment made *vide* proceedings dated 05-01-2018 and also compounding fee within a period of eight weeks from the date of receipt of a copy of this order. Upon depositing such an amount, the respondents shall refer the matter to the Special Court for adjudication in terms of Section 154 (4) of the Act.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*Date: 30.1.2020*  
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