

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13826 of 2016

ORDER:

When the matter is taken up for hearing, learned counsel appearing for the petitioner had contended that the respondents have alleged that the petitioner had indulged theft of electrical energy and issued provisional assessment orders, dated 18.04.2016. Challenging the same, the present writ petition is filed.

2. This Court was pleased to grant interim order on 22.04.2016 to restore the power supply of the petitioner subject to payment of 10% of the demanded amount.

3. Learned Standing Counsel appearing for the respondents had contended that since the petitioner had indulged in theft of electrical energy, the case of the petitioner would be referred to Special Court under Section 154(4) of the Electricity Act, 2003 (for short, 'the Act'), for that he has to pay 50% of the demanded amount.

4. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to pay another 40% of the provisional assessment within four weeks from the date of receipt of a copy of this order and upon petitioner paying the said 40% of the provisional assessment, the respondents shall refer the case to the Special Court for adjudication under Section 154(5) of the Act in another four weeks thereafter.

5. With these observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th February 2020

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