

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.28374 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“to issue writ, or order, direction more particularly one in the nature of Writ of Mandamus and declaring the action of the Respondents in demanding the petitioner to pay 50% of the amount of the electricity charges assessed of Rs.1,39,212/- *vide* letter dated 30.10.2019 *vide* Lr.No. ADE/MAMIDIPALL/SD/F.NO.D.No.27 issued by the Respondent No.4 without giving any opportunity and not received any explanation from the petitioner illegal, arbitrary and against the principals of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and consequently set aside the notice dated 30.10.2019 in the interest of justice and to pass such other order or orders may deem fit and proper in the interest of justice.”

Heard learned counsel on either side.

It is the case of the petitioner that the respondents are demanding an amount of Rs.1,39,387/- towards consumption charges and also issued proceedings dated 30.10.2019 on the ground that he has illegally used the power supply. Thereafter, the respondents have issued consequential proceedings dated 27.11.2019 disconnecting the power supply.

While ordering notice before admission, this Court granted interim suspension on 23.12.2019 and by virtue of the said interim suspension, the power supply was restored.

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 30-10-2019 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.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 5.2.2020
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