

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

**PRESENT
THE HONOURABLE MRS JUSTICE SUREPALLI NANDA**

WRIT PETITION NO: 35920 OF 2012

Between:

M/S METRO WASHERS, Plot No. 18, Sy.No. 145, Nagole, Auto Nagar, Nagole, Ranga Reddy District Represented by its Partner B. Bharat Kumar, S/o. Chukkaiah, Aged about 27 years, R/o. H.No.1-511, Mohan Nagar Colony, Kothapet, Hyderabad
...PETITIONER

AND

1. The Central Power Distribution Company of A.P Ltd., Rep. by its Managing Director Vidyut Soudha, Khairatabad, Hyderabad
2. The Assistant Divisional Engineer, Operation, Hayathnagar APCPDCL, Hayathnagar Ranga Reddy

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent no.2 in issuing the impugned Provisional Assessment Notice dt. 14.11.2012 vide Lr No. ADE/OP/HYNG/D No. 2734/12 in respect of disconnecting the power supply to the petitioner vide SC No. 5711 02381 Category LT 111(A)-Industrial Normal of Autonagar, Ranga Reddy District s illegal, arbitrary and as such not sustainable in law and also violative of Article 14, 19 (1) (g) and 21 of Constitution of India and consequently direct the respondents to restore the power supply to the petitioner vide SC No. 5711 02381 Category LT III (A) in Plot NO. 18, Sy.No. 145, Nagole, AutoNagar, Ranga Reddy District,

I.A. NO: 1 OF 2012(WPMP. NO: 45664 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to restore the power supply to the petitioner vide SC No. 5711 02381 Category LT III (A) in Plot NO. 18, Sy.No. 145, Nagole, AutoNagar, Ranga Reddy District by suspending the Impugned Provisional Assessment Notice dated 14.11.2012 vide Lr No. ADEOP/HYNG/D.No. 2734/12, pending disposal of the main writ petition

Counsel for the Petitioner : SRI NARAYAN LAXMAN RAO

Counsel for the Respondents : SRI R.VINOD REDDY, SC FOR APCPDCL

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.35920 OF 2012

ORDER:

Heard learned counsel for the petitioner and Mr R.Vinod Reddy, learned Standing Counsel appearing on behalf of respondents.

2. The petitioner approached the Court seeking the prayer as follows:

"to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent no.2 in issuing the impugned Provisional Assessment Notice dt.14.11.2012 vide Lr NO.ADE/OP/HYNG/D No.2734/12 in respect of disconnecting the power supply to the petitioner vide SC No.5711 02381 Category LT III(A)- Industrial Normal of Autonagar, Ranga Reddy District is illegal arbitrary and as such not sustainable in law and also violative of Articles 14, 19(1)(g) and 21 of Constitution of India and consequently direct the respondents to restore the power supply to the petitioner vide SC No. 5711 02381 Category LT III (A) in Plot No.18, Sy.No. 145, Nagole, Auto Nagar, Ranga Reddy District."

3. This Court vide orders dated 21.11.2012 passed interim orders and the same read as under:

"Notice before Admission.

It is stated that the petitioner has already paid an amount of Rs.2,60,000/- towards the compounding fee. Even as per the impugned demand notice, 50% of the provisionally assessed amount i.e, an amount of Rs.4,73,663/- is demanded. In that view of the matter, there shall be a direction to the respondents to restore power supply to the petitioner on condition of depositing a further amount of Rs.1,75,000/-. Only on such deposit, power supply shall be restored and the petitioner shall continue to pay the compensation and demand charges, pending further orders."

4. Mr R.Vinod Reddy, learned Standing counsel appearing on behalf of the respondents brings on record a copy of the order dated 15.04.2019 passed by this Court in W.P.No.7785 of 2019 and the same reads as follows:

"Petitioner is aggrieved by the notice dated 08.03.2019 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.8,35,123/-.

2. 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. Writ Petition is accordingly disposed of."

5. In view of the orders passed by this Court in W.P.No.7785 of 2019, this Writ Petition is also disposed of on same terms. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. The Managing Director, Central Power Distribution Company of A.P Ltd., Vidyut Soudha, Khairatabad, Hyderabad
 2. The Assistant Divisional Engineer, Operation, Hayathnagar APCPDCL, Hayathnagar Ranga Reddy
 3. One CC to Sri Narayan Laxman Rao, Advocate [OPUC]
 4. One CC to Sri R.Vinod Reddy, SC for APCPDCL [OPUC]
 5. Two CD Copies
- (Along with a copy of this order dated 15/04/2019 in WP No.7785 of 2019)

Kj.
GJP

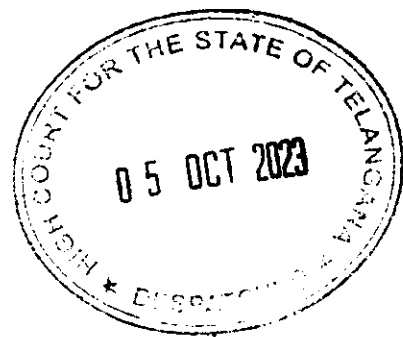
pmc.

HIGH COURT

DATED:28/08/2023

ORDER

WP.No.35920 of 2012



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23/9/23.

DISPOSING OF THE WP WITHOUT COSTS.

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.7785 OF 2019

ORDER:

Petitioner is aggrieved by the notice dated 08.03.2019 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 ₹ 8,35,123/-.

2. 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. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 15.04.2019
kkm