

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

FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 1169 OF 2023

Between:

Zakir Hussain, S/o Yousuf Hussain, aged about 61 years, Occ ; Business, R/o H.No. 19-2-628, Dood Bowli, Hyderabad.

.....PETITIONER

AND

1. Telangana State Southern Power Distribution Company Limited, rep. by its Chairman and Managing Director, Vidyuth soudha Hyderabad.
2. The Assistant Divisional Engineer (Operation), Mir Alam, TSSPDCL, Hyderabad.
3. The Assistant Engineer, TSSPCL, Chandulal Baradari Section, Hyderabad.
4. The Assistant Accounts Officer/ERO, TSSPDCL, Khairtabad, Hyderabad.

.....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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.1 herein in issuing orders permitting the petitioner to pay the balance 50 Percent amount i.e., Rs.1,66,771.50 Ps., in respect of the Service Connection No. M3009580 pursuant to the representation dt. 27/12/2022, as being illegal, arbitrary, unjust and unconstitutional and consequently direct the respondent No.1 to issue orders permitting the petitioner to pay the above said amount and to close the case.

I.A.NO:1 OF 2023

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 respondent No.1 herein to consider and pass orders on the representation dt. 27/12/2022, pending disposal of the main writ petition, in the interest of justice.

Counsel for the Petitioner : SRI M.NAYEEMUDDIN

Counsel for the Respondents : SRI R.VINOD REDDY (SC FOR TSTRANSCO)

The Court made the following ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.1169 of 2023

ORDER:

Heard Sri Mohd. Nayeemuddin, learned counsel appearing on behalf of the petitioner and Sri R. Vinod Reddy, learned Standing Counsel for TGSPDCL, appearing on behalf of respondent Nos.1 to 4.

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

"...to issue an appropriate writ order or direction more particularly one in the nature of Writ of *Mandamus* declaring the inaction of the respondent No.1 herein in issuing orders permitting the petitioner to pay the balance 50% amount i.e. Rs.1,66,771.50 Ps., in respect of the Service Connection No.M3009580 pursuant to the representation dated 27/12/2022 as being illegal, arbitrary, unjust and unconstitutional and consequently direct the respondent No.1 to issue orders permitting the petitioner to pay the above said amount and to close the case and to grant..."

3. The case of the petitioner in brief is that the petitioner is running a function hall in the name and style of Milan Function Hall. On 11.10.2012 the respondent authorities inspected the

premises and alleged that the petitioner had tampered the meter and issued notice dated 08.01.2013 to pay a sum of Rs.3,33,543/-. Aggrieved by the same, the petitioner filed W.P.No.3320 of 2013 before this Court wherein the Court vide order dated 05.02.2013 directed the respondents to restore the power supply on payment of Rs.1,66,771.50 ps, incidental charges of Rs.100/- and re-connection charges of Rs.75/- and stayed the collected of balance 50% amount subject to final determination of liability under Section 154 of the Indian Electricity Act, 2003. Accordingly, the petitioner paid the amount of Rs.1,66,771.50 ps. along with the incidental and reconnection charges and got restored the power supply.

4. The petitioner further submits that the respondent authorities are issuing the monthly bills showing the balance of 50% amount along with interest amount, contrary to the observations in W.P. No. 3320 of 2013. The petitioner made representations dated 22.03.2013 and 11.09.2017 to the respondent authorities not to levy the interest on the balance amount till final determination of liability. The petitioner again approached this Court by filing W.P. No. 17782 of 2022 wherein this Court on 23.11.2022 directed the respondent

authorities not to levy the interest on the balance 50% of the amount i.e. Rs.1,66,771.50 subject to final determination of liability under Section 154 of Indian Electricity Act. Despite the said order, the respondent authorities continued to issue bills by levying interest on the balance 50% of the amount i.e. Rs.1,66,771.50 p.s. Aggrieved by the said action of the respondents, the petitioner submitted a representation dated 27.12.2022 before the 1st respondent but the respondent authorities failed to consider the same. Hence the writ petition.

PERUSED THE RECORD

5. It is the specific case of the petitioner that the petitioner approached the Court on earlier occasion by filing W.P. No.3320 of 2013 and in the said writ petition, petitioner obtained interim order in favour of the petitioner on 05.02.2013. The relevant portion of the said order dated 05.02.2013 passed in W.P. No. 3320 of 2013 is extracted hereunder:

"A perusal of the impugned proceedings shows that it is a provisional assessment notice after making inspection. With regard to allegations

made against the petitioner, it is a matter for inquiry by the competent authority and when the final assessment is not made, it is not necessary for this Court to look into the correctness or otherwise of the allegations, at this point of time. In any event, as the petitioner is disputing the allegations made against him, and having regard to the nature of allegations, I deem it appropriate to dispose of the writ petition directing the respondents to restore power supply to the petitioner on payment of Rs.1,66,771.50 ps., incidental charges of Rs.100/- and re-connection charges of Rs.75/-. However, there shall be stay of collection of balance 50% amount. The aforesaid payment to be made by the petitioner shall be subject to final determination of liability under Section 154 of the Indian Electricity Act, 2003. It is also made clear that in addition to payment of the aforesaid charges, the petitioner shall continue to pay the consumption and demand charges regularly as and when the bills are issued".

6. The learned counsel appearing on behalf of the petitioner submits that in compliance to the directions of this Court dated 05.02.2013 passed in W.P. No. 3320 of 2013 the petitioner had deposited 50% of the assessed amount as per the assessment notice dated 08.01.2013 issued vide

Proceedings No.DPE/HYS/SD01/5176/13. However the respondent authorities continued to issue the bills to the petitioner by levying the interest on the balance 50% of the amount and the same is in violation of the order of this Court dated 05.02.2013 passed in W.P. No.3320 of 2013. It is further case of the petitioner that *vide* detailed representation dated 27.12.2022 the petitioner brought to the notice of the 1st respondent herein that as per the directions of this Court, there shall be stay of collection of balance 50% amount and the payment shall be subject to final determination of liability under Section 154 of the Indian Electricity Act, 2003, as such collection of balance 50% amount as stated above, does not arise and the same is contrary to the orders of this Court dated 05.02.2013 passed in W.P. No. 3320 of 2013. In spite of the representation of the petitioner dated 27.12.2022 the respondents are troubling the petitioner and in spite of order copy being communicated to the respondents by the petitioner, yet the respondents continued to issue the bill by levying the interest on the balance 50% amount of Rs.1,66,771.50 ps in violation of the orders of this Court dated 05.02.2013 passed in W.P. No. 3320 of 2013.

7. Sri R. Vinod Reddy, learned Standing Counsel for TGSPDCL, appearing on behalf of respondent Nos.1 to 4 submits that the writ petition could be disposed of directing the 1st respondent to consider the grievance of the petitioner as put-forth by the petitioner vide representation dated 27.12.2022 of the petitioner in accordance to law.

8. **Taking into consideration the submissions of learned counsel appearing on behalf of the petitioner and the learned Standing Counsel for TGSPDCL, appearing on behalf of respondents, the writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner, dated 27.12.2022 submitted to the 1st respondent in accordance to law, in conformity with principles of natural justice by giving opportunity of personal hearing to the petitioner within a period of four (4) weeks from the date of receipt of this order and duly communicate the decision to the petitioner on the representation dated 27.12.2022 of the petitioner. However, there shall be no order as to costs.**

The miscellaneous applications, if any, shall stand closed.

SD/-P. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

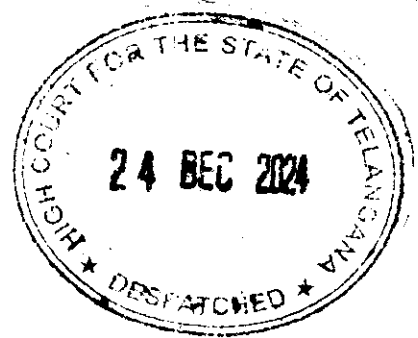
1. The Chairman and Managing Director, Telangana State Southern Power Distribution Company Limited, Vidyuth soudha Hyderabad.
2. The Assistant Divisional Engineer (Operation), Mir Alam, TSSPDCL, Hyderabad.
3. The Assistant Engineer, TSSPCL, Chandulal Baradari Section, Hyderabad.
4. The Assistant Accounts Officer/ERO, TSSPDCL, Khairtabad, Hyderabad.
5. One CC to SRI M.NAYEEMUDDIN, Advocate [OPUC]
6. One CC to SRI R.VINOD REDDY (SC FOR TSTRANSCO) Advocate [OPUC]
7. Two CD Copies

SA
BS



HIGH COURT

DATED:06/12/2024



ORDER

WP.No.1169 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS.**

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[Signature]
24/12/2024