APHC010479562025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 25667 OF 2025

Between:

1. RAJULAPATI KALYANI, W/o. Siva Prasad, Aged about 47 years, Occ Housewife, R/o. Mekavaripalem Village, Challapalli Mandal, Krishna District - 521126

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Department of Energy, Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Andhra Pradesh Central Power Distribution Corporation Limited, rep. by its General Manager, Beside the Government Polytechnic, ITI Road Vijayawada, NTR District - 520008

3. The Superintending Engineer Operation, Andhra Pradesh Central Power DistributionCompany Limited Vijayawada, NTR District

4. The Executive Engineer Operation Division, Andhra Pradesh Central Power Distribution Company Limited Machilipatnam, Krishna District

5. The Assistant Executive Engineer Operation, Andhra Pradesh Central Power Distribution Company Limited Lakshmipuram, Challapalli Mandal, Krishna District

...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 toPleased to issue the Writ Order or direction more particularly one in the nature of Writ of Mandamus to direct the Respondents 2 to 5 to restore the electricity connection to the service connection No. 6733106000344 of the Petitioner situated at Mekavaripalem Village, Challapalli Mandal, Krishna District by supplying the provisional assessment Order with regard to service connection No. 6733106000060 of Mekavaripalem Village, Challapalli Mandal, Krishna District to submit her objections and pass

Counsel for the Petitioner: K RAMA KOTESWARA RAO

Counsel for the Respondents: GP FOR ENERGY

Counsel for the Respondents:V V SATISH (SC for APEPDCL)

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The Court made the following order:

Heard learned counsel for the writ petitioner and learned standing counsel for respondents appearing online.

2. The case of the writ petitioner is that the respondents have issued an impugned Provisional Assessment Notice dated 14.02.2025 to the writ petitioner under Section 126 (3) of the Electricity Act, 2003, demanding an amount of Rs. 4,44,567/- on the ground that the petitioner had caused a loss of revenue to the DISCOM by using the electricity illegally. The said Provisional Assessment Notice was issued without issuing any prior notice or providing an opportunity of hearing, thereby violated the Principles of Natural Justice. He further submits that Section 126 (3) of the Electricity Act, 2003, contemplates mandatory observation of the Principles of Natural Justice. Hence the present Writ Petition.

3. On the other hand, the learned Standing Counsel appearing online for the respondents submits that the obligation to observe the Principles of Natural Justice would arise only after submission of an explanation by the petitioner to the Provisional Assessment Notice dated 14.02.2025. Without submitting such an explanation as contemplated under Section 126 (3) of the Electricity Act, 2003, the petitioner has preferred the present Writ Petition. She further submits that, since the petitioner has committed an offence punishable

under Section 135 of the Electricity Act, 2003, the civil liability arising there from is required to be adjudicated by the ‘Special Courts’ constituted under Section 153 of the Electricity Act, 2003 and Power and Procedure explained in Section 154 of the Electricity Act, 2003. As such an exclusive Jurisdiction was conferred to the Special Courts to try electricity theft and privilege cases and determine the civil liability for energy theft. She further submits that the power supply to the petitioner can be restored upon payment of the entire amount and that, unless the outstanding dues are cleared, the electricity service connection cannot be restored.

4. Considering the submissions made by both learned counsel, this Court is of the considered opinion that the writ petition can be disposed of by directing the concerned respondents to restore the electricity service connection, subject to deposit 50% out of the amount so demanded under the Provisional Assessment Notice dated 14.02.2025, by the petitioner within a period of two (02) weeks from the date of receipt of a copy of this order. Upon receipt of such deposit, the respondents shall restore the power supply. Further, the respondents are directed to initiate appropriate Legal proceedings before the competent forum/Special Courts for determination of the civil liability against the petitioner in accordance with Section 153 read with Section 135 of the Electricity Act, 2003.

5. With these observations and directions, this Writ Petition is disposed of. No order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

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JUSTICE VENKATESWARLU NIMMAGADDA

Date: 07.10.2026
Note: Issue CC by 13.10.2026.
B/o. MNR

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.25667 OF 2025

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