

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: W.P.No.15737 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFIC E NOTE.
02.	05.07.2023	<u>RC,J</u> <u>W.P.No.15737 of 2023</u> Sri Metta Chendra Shekar Rao, learned Standing Counsel requests time to file counter. Post on 19.07.2023. <u>RC, J</u> <u>I.A.No.1 of 2023</u> Heard Sri Ganta Ramarao, learned senior counsel for the petitioner and Sri Metta Chandra Shekar Rao, learned standing counsel for respondent-corporation. Learned senior counsel in elaboration to what has been stated in the affidavit contended that the petitioner's society is running several educational institutions and the society has obtained electric power supply connection from the respondent-corporation but the said power supply connection was disconnected on 12.06.2023 without following due procedure. He further contended that, as per the terms of the agreement entered into between the petitioner and respondent-corporation in case the petitioner fails to pay the bills within three (03) months from the date of issuance, the authorities would cancel the	

	agreement by giving one (01) month notice, after the period of expiry of three months. He further submitted that, in the present case, the agreement was terminated without issuing any notice to the petitioner. He further contended that, the respondent-corporation disconnected the power supply to the petitioner on 07.09.2022 by recording the existing readings as on that date and even thereafter, the respondent authorities have provided power supply to the petitioner's institutions and raised power consumption bill and the petitioner had availed the services and paid the bills so raised by the respondent-corporation from 07.09.2022 to 12.06.2023. In support of his contentions learned senior counsel has drawn the attention of this court to the bills raised by the corporation dated 05.02.2023 and also the payment schedule so made from 25.07.2022 to 03.04.2023 and their receipt numbers. He has further drawn the attention of this court to the payment made by the petitioner on 12.06.2023 to a tune of Rs.11,00,000/- and submitted that after having received all the payments, the authorities cannot abruptly disconnect the power supply to the petitioner's institutions. He further contended that, the electricity is a basic amenity in life and if the electricity power supply is not restored, not only the writ petitioner's society but also the students who are studying in the petitioner's institutions will be affected. As such prayed to protect the interest of the society by passing an interim order. On the other hand, Sri Metta Chandra	
--	--	--

	Shekar Rao, vehemently opposed to grant interim order, and contended that, the petitioner without having any right and authority, is consuming the service connection highhandedly which is nothing but committing theft of electricity and in relation there to the authorities have also registered a complaint vide FIR.No.581 of 2023 dt.27.06.2023 which is placed on record and has drawn the attention of this court to the same. He further contended that, the petitioner's society herein has made a representation dated 12.06.2023 to the Senior Accounts Officer requesting him to give clearance to register a new application for High Tension (HT) service connection in place of bill stopped HT.SC.No.VSP1871, and the said application was rejected by the Superintending Engineer vide proceedings dated 19.04.2023, they are placed on record and has drawn the attention of this court to the same. He further contended that, consuming power after disconnection of service connection on 07.09.2022 is nothing but pilfering energy which is a serious offence. Mere raising power consumption bills by the authorities and payment of the said bills by the society does not wipe out the offence committed by the petitioner. Thus, the claim of the petitioner, which is guilty of theft of energy, cannot be considered for issuing interim orders. The learned standing counsel further submitted that, he needs to file a detailed counter in the main writ petition and sought time. A perusal of impugned proceedings dt.25.02.2023 shows that the Deputy Executive Engineer vide his letter dated 07.09.2022 has	
--	--	--

	disconnected the electric power supply provided to the petitioner society from 07.09.2022 by recording the reading existing as on that date. The submissions made by both the learned counsel and the material placed on record show that the society had utilized the power supply even subsequent to the date of disconnection and in relation there to bills were raised by the authority and they were duly paid by the society. It is pre-mature to jump to the conclusion as to whether the above action of the society can be termed as theft or not. The same can only be done at the time of ultimate disposal of the writ petition and a detailed counter is required to be filed by the authorities for the said purpose. When the authorities have disconnected the power supply on 07.09.2022, it is not known as to why the authorities have not removed the service meter and other devices that are required to draw power supply by the petitioner. It is also surprising to note as to how the authorities have been raising power consumption bills and have been accepting payments towards consumption charges in relation to a disconnected power supply connection. Electricity is a basic amenity in life and water and electricity are integral part of right to life within the meaning of Article 21 of the Constitution of India. Electricity is an essential service of which a person cannot be deprived of without cogent and lawful reasons and without following the due process of law. Thus, this Court finds that <i>prima facie</i> there is a point made out for consideration to be decided in this writ petition which obviously takes time.	
--	--	--

There is some force in the contentions of the learned counsel for the petitioner that, if the power supply is not restored the petitioners right and the purpose of filing the writ petition would be defeated. As such, this court is incline to pass the following order:

“The respondent-authorities are directed to restore the power supply to the petitioner’s-society baring SC.No.VSP1871 forthwith. The petitioner shall pay the arrears, if any, within a week from today. The petitioner shall not claim any equity in future. Needless to mention that the issue as to whether the acts of the petitioner comes under the preview of theft or not is pending for consideration in the writ petition”.

RC, J

Note: issue cc by 07.07.2023.

*B/o
DSB/SCH*