

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 7095 OF 2022

Between:

Ponnam Venkateshwarlu, S/o Late Laxmaiah, Aged about 45 years,
Occ. Agriculture R/o. H.No. 14-48, Venkateswara Colony, Pilalamarry Village,
Suryapet Rural, Suryapet District. Erstwhile Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Power Energy Department, Secretariat Building, Secretariat, Hyderabad
2. The Chariman - Managing Director, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Somajiguda, Hyderabad
3. The Superintendent Engineer, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet District, Erstwhile Nalgonda District
4. The Divisional Engineer, Suryapet Division, Suryapet Mandal, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet District. Erstwhile Nalgonda District
5. The Assistant Divisional Engineer (Operation), Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet Town, Suryapet District. Erstwhile Nalgonda District
6. The Assistant Engineer, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet Town, Suryapet District. Erstwhile Nalgonda 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 to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 5 in issuing the Impugned Notice vide No.1. Lr.No.ADE/OP/SRPT/Theft/D.No.2286, 2. Lr.No.ADE/OP/SRPT/Theft/ D.No.2286, dated 28/01/2022 without following the due process of law, is highly illegal, arbitrary, unconstitutional, unjust and in violation of Principles of Natural Justice and also in violation of Articles 14, 15, 21 and 300-A of the Constitution of India and to direct the Respondent No. 5 to restore the power connections vide power Service connections No. 1. 4161101393 2, 4161101656. of house one Ponnam Venkateshwarlu vide Door No. 14-48, Venkateswara Colony, Pilalamarry Village, Suryapet Rural, Suryapet District Erstwhile Nalgonda District.

IA NO: 1 OF 2022

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. 5 to restore the power connections vide power Service connections No. 1. 4161101393 2, 4161101656. of house one Ponnamp Venkateshwarlu vide Door No. 14-48, Venkateswara Colony, Pilalamarry Village, Suryapet Rural, Suryapet District Erstwhile Nalgonda District pending disposal of the writ petition.

Counsel for the Petitioner: SRI. RAPOLU BHASKAR

Counsel for the Respondent No.1: GP FOR ENERGY

Counsel for the Respondent No's.2 to 6: SRI R.VINOD REDDY(SC FOR TSSPDCL)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.7095 of 2022

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Energy appearing for respondent No.1 and Sri R.Vinod Reddy, learned Standing counsel appearing for respondent Nos.2 to 6. With their consent, the Writ Petition is disposed of at the stage of admission itself.

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that the issue raised in the present writ petition is squarely covered by the orders passed this Court in W.P.No.7785 of 2019 dated 15.04.2019 and W.P.No.2884 of 2020 dated 13.02.2020.

The above said submission is not disputed by the learned Standing Counsel appearing for the respondents.

In view of the above and for the reasons alike in the order dated 15.04.2019 passed in W.P.No.7785 of 2019, the present Writ Petition is disposed of directing the respondents to provide reconnection of power supply subject to the petitioner depositing 50% of the amount assessed in the impugned letter and payment of reconnection charges. If the petitioner complies with the directions of this Court and reconnection of power supply is provided, the respondents shall not demand the balance amount till the issue is decided under Section 154 of the Electricity Act,

2003. Reconnection and continuous supply of electricity depends on compliance of all other requirements.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Power Energy Department, State of Telangana, Secretariat Building, Hyderabad
2. The Chariman - Managing Director, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Somajiguda, Hyderabad
3. The Superintendent Engineer, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet District, Erstwhile Nalgonda District
4. The Divisional Engineer, Suryapet Division, Suryapet Mandal, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet District. Erstwhile Nalgonda District
5. The Assistant Divisional Engineer (Operation), Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet Town, Suryapet District. Erstwhile Nalgonda District
6. The Assistant Engineer, Telangana Southern Power Distribution Company Ltd. (TSSPDCL), Suryapet Town, Suryapet District. Erstwhile Nalgonda District
7. One CC to SRI. RAPOLU BHASKAR Advocate [OPUC]
8. Two CCs to GP FOR ENERGY, High Court for the State of Telangana. [OUT]
9. One CC to SRI R.VINOD REDDY (SC FOR TSSPDCL), Advocate [OPUC]
10. Two CD Copies.
11. One Spare Copy.

GB

(Along with a copy of Order in W.P.No.7785 of 2019, dated 15.04.2019.)

SW



HIGH COURT

DATED:09/02/2022

ORDER

WP.No.7095 of 2022



**DISPOSING OF THE WP
AT THE ADMISSION STAGE
WITHOUT COSTS**

(12) *WV*
14/2/22

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