



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

WEDNESDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 501 OF 2024

Between:

Dagudu Shailender Kumar, S/o Satyanarayana, aged: 50 years, Occ: Business, R/o Flat No. 501, H.No.1-2-343/b, Domalguda, Hyderabad.

...PETITIONER

AND

1. Southern Power Distribution Company of Telangana Limited, rep. by it's Chairman and Managing Director, Corporate Office, Mint Compound, Hyderabad
2. The Superintending Engineer, Operation, TSSPDCL, Hyderabad South Division. Hyderabad.
3. The Divisional Engineer, Operation/C-A Begum Bazar, TSSPDCL, Hyderabad
4. The Assistant Divisional Engineer, Operation, Begum Bazar, TSSPDCL, Hyderabad
5. The AAO/ERO-II, Sultan Bazar, TSSF- Hyderabad.
6. The Additional Assistant Engineer, Begum Bazar, TSSPDCL, 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 Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the assessment orders issued by the 4th respondent in Case No. DPE/HYS/SD01/23233/23 vide Lr No. ADE/OP/BEGUMBABAZAR/D-XXV/C-IX/D.No. 643/23 dated 01.12.2023 and in Case No. DPE/HYS/SD01/23217/23 vide Lr No. ADE/OP/BEGUMBABAZAR/D-XXV/C-IX/D.No.665/23 dated 05/12/2023 and the action of the respondents in disconnecting the power supply to the Service



2024:TSHC:53625

Connection of the petitioner bearing No. L 2001481, as illegal, arbitrary, non application of mind, ultra vires, against to the principles of natural justice and contrary to law and the General Terms and Conditions of Supply and consequentially direct the Respondents to restore power supply to the petitioners Service Connection bearing No. L 2001481 by setting aside assessment orders issued by the 4th respondent in Case No. DPE/HYS/SD01/23233/23 vide Lr No. ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D.No. 643/23 dated 01.12.2023 and in Case No.DPE/HYS/SD01/23217/23 vide Lr No. ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D. No. 665/23 dated 05.12.2023 in the interest of justice.

IA NO: 1 OF 2024

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 power supply to the Service Connection of the petitioner bearing No. L 2001481 by suspending the assessment orders issued by the 4th respondent in Case No. DPE/HYS/SD01/23233/23 vide Lr No. ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D.No. 643/23 dated 01.12.2023 and in Case No.DPE/HYS/SD01/23217/23 vide Lr No. ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D. No.665/23 dated 05.12.2023, pending disposal of the Writ Petition.

IA NO: 2 OF 2024

Between:

1. Southern Power Distribution Company of Telangana Limited, rep. by it's Chairman and Managing Director, Corporate Office, Mint Compound, Hyderabad
2. The Superintending Engineer, Operation, TSSPDCL, Hyderabad South Division. Hyderabad.
3. The Divisional Engineer, Operation/C-A Begum Bazar, TSSPDCL, Hyderabad
4. The Assistant Divisional Engineer, Operation, Begum Bazar, TSSPDCL, Hyderabad
5. The AAO/ERO-II, Sultan Bazar, TSSF- Hyderabad.
6. The Additional Assistant Engineer, Begum Bazar, TSSPDCL, Hyderabad

...PETITIONERS/RESPONDENTS



2024:TSHC:53625

AND

Dagudu Shailender Kumar, S/o Satyanarayana, aged: 50 years, Occ: Business, R/o Flat No. 501, H.No. 1-2-343/b, Domalguda, Hyderabad.

...RESPONDENTS/PETITIONERS

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 vacate the interim orders dated 05.01.2024 in WP. No. 501 of 2024 and dismiss the writ petition.

Counsel for the Petitioner: SRI SREENIVASA RAO VELIVELA

Counsel for the Respondents: SRI R. VINOD REDDY, S.C. FOR TSSPDCL

The Court made the following: ORDER



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HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.501 of 2024

ORDER:

Heard Sri Srinivasa Rao Velivela, learned counsel appearing on behalf of the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for TSSPDCL, appearing on behalf of the respondents.

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

"to issue Writ order or direction particularly one in the nature of Writ of Mandamus declaring the assessment orders issued by the 4th respondent in Case No.DPE/HYS/SD01/23233/23 vide Lr.No.ADE/ OP/ BEGUMBAZAR /D-XXV/C-IX/D.No. 643/23 dated 01.12.2023 and in Case No.DPE/HYS/SD01/23217/23 vide Lr.No.ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D.No. 665/23 dated 05.12.2023 and the action of the respondents in disconnecting the power supply to the Service Connection of the petitioner bearing No.L 2001481 as illegal, arbitrary, non application of mind, ultra vires, against to the principles of natural justice and contrary to law and the General Terms and Conditions of Supply and consequentially, direct the Respondents to restore power supply to the petitioners Service Connection bearing No.L 2001481 by setting



aside assessment orders issued by the respondent in Case No.DPE/HYS/SD01/23233/23 vide Lr.No. ADE/OP/BEGUMBAZAR /D-XXV/C-IX/ D.No. 643/23 dated 01.12.2023 and in Case No. DPE/HYS/SD01/23217/23 vide Lr.No.ADE/OP/BEGUMBAZAR/D-XXV/C-IX/D.No.665/23 dated 05.12.2023 in the interest of justice and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. This Court vide its order dated 05.01.2024, passed interim orders observing as under:

"Meanwhile, there shall be interim suspension as prayed for, subject to payment of 30% of the assessed amount within three days."

4. The counter affidavit has been filed on behalf of the respondent No.6 and the relevant paragraph Nos.2, 5, 6 and 7 are extracted hereunder:

"2. It is submitted that the petitioners premises was inspected on 09.04.2023 (wrongly mentioned as 09.06.2023) for changing the existing meter with a new Infra Red meters. All the meters the existing service connections are being replaced with Infra Red meters the existing service connections are being replaced with Infra Red meters. An external scanning device is used to record the actual meter



reading wirelessly. When the old meter was removed the final reading that was recorded in the meter is 20710 units but in the electronic billing system (EBS) which is maintained by the accounts department, the total units consumed was recorded as 15256 units but as per the readings in the meter the petitioner has consumed 20710 units but as per the readings in the meter the petitioner has consumed 20710 units. The back billing was proposed for the deficit units I.e., $20710 - 15256 = 5603$ units.

5. It is submitted that as the petitioner did not appear on 14.06.2023, the meter was tested in the MRT lab on 20.06.2023 in the presence of ADR/MRT, Assistant Engineer, LT Lab, Assistant Engineer, Detection of pilferage of energy wing, Assistant Engineer, Operation, Begumbazar. When the meter was inspected it was found that two LED seals were found to be tampered. After opening the meter it was revealed that Phase Current Coils Turns were found to be reduced. Due to the said tampering of the meter the energy that was being recorded was -81% I.e., only 19% of the energy that was consumed was only being recorded and the theft was being for the 81% of the energy.

6. It is submitted that a provisional assessment notice dated 05.12.2023 was issued to the petitioner assessing the loss at Rs.1,35,199/- for



the period from 03.11.2020 to 03.11.2021. The total units that were pilfered were arrived at 4774 units based on the load of the petitioner. The petitioner is liable to pay 50% of the assessed amount initially for re-connection and later has to pay the balance 50% and also the compounding fee of RS.7,000/- after which the respondents shall have to file a case before the Special Court established under Section 154(5) to determine the civil liability I.e., Revenue Loss.

7. It is submitted that the notice dated 01.12.2023 for back billing was for the difference of units in the meter and the energy billing system. The notice issued under Section 135 of the Electricity Act, 2003 dated 05.12.2023 is in respect of theft of energy by tampering the meter. The cause of action for both offences is different and the proceedings to be initiated are also different as per Electricity Act, 2003 and General Terms and Conditions of Supply."

5. Sri R.Vinod Reddy, learned Standing Counsel appearing on behalf of the respondents submits that in view of the fact that the petitioner already deposited 30% of the amount as per the assessment notice dated 01.12.2023, the petitioner may be directed to deposit balance 20% of the amount and



also 50% of the amount as demanded vide assessment notice dated 05.12.2023 i.e., an amount of Rs.1,35,199/-.

6. Learned counsel appearing on behalf of the petitioner seeks four weeks time to deposit balance 20% of the amount and also 50% of the amount as per the assessment notice dated 05.12.2023.

7. Taking into consideration the averments made at paragraph Nos.2, 5, 6 and 7 in the counter affidavit filed on behalf of the respondent No.6 (referred to and extracted above), and duly considering the submissions made by the learned counsel appearing on behalf of the petitioner and Sri R.Vinod Reddy, learned Standing Counsel appearing on behalf of the respondents, the writ petition is disposed of directing the petitioner to deposit balance 20% of the assessed amount vide impugned notice dated 01.12.2023 and further 50% of the amount assessed and determined vide assessed/impugned notice dated 05.12.2023 within a period of four(4) weeks from the date of receipt of a copy of this order and upon the petitioner depositing the said amount within the time stipulated by this



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Court, respondents are directed to file a case before the Special Court established under Section 154(5) to determine the civil liability and till the said case is disposed of by the competent authority, respondents shall not disconnect the petitioner's service connection bearing No.L 2001481. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Sd/- P. Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Chairman and Managing Director, Southern Power Distribution Company of Telangana Limited, Corporate Office, Mint Compound, Hyderabad
2. The Superintending Engineer, Operation, TSSPDCL, Hyderabad South Division, Hyderabad.
3. The Divisional Engineer, Operation/C-A Begum Bazar, TSSPDCL, Hyderabad
4. The Assistant Divisional Engineer, Operation, Begum Bazar, TSSPDCL, Hyderabad
5. The AAO/ERO-II, Sultan Bazar, TSSF-Hyderabad.
6. The Additional Assistant Engineer, Begum Bazar, TSSPDCL, Hyderabad
7. One CC to SRI SREENIVASA RAO VELIVELA, Advocate [OPUC]
8. One CC to SRI R. VINOD REDDY, S.C. for TSSPDCL [OPUC]
9. Two CD Copies

KKS
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HIGH COURT

DATED:06/11/2024



ORDER

WP.No.501 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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h.B
18/12/20