

(2011) 06 KAR CK 0040
In the Karnataka High Court
Case No : Writ Petition No. 14165 of 2011

Sobha Developers Ltd.

APPELLANT

Vs

The Bangalore Electricity Supply Company Ltd.

RESPONDENT

Date of Decision : 17-06-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 06 KAR CK 0040

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : M. Subramanya Bhat, for Subba Rao and Co, for the Appellant; V.Y. Kumar, for the Respondent

Judgement

B.S. Patil, J.—Sri. V.Y. Kumar, learned Counsel is directed to take notice for the Respondents.

In this writ petition, Petitioner is seeking a direction to the 1st Respondent-Bangalore Electricity Supply Company Limited, Bangalore, to consider the representations submitted by them on 01.04.2011, 02.04.2011 and 05.04.2011 vide Annexures-D, E and F respectively and pass appropriate orders thereon. A direction is also sought to the 2nd Respondent-Assistant Executive Engineer to restore the temporary power supply to the Petitioner's premises as approved vide order dated 04.11.2010.

2. The Petitioner is a Company engaged in construction industry. Petitioner was sanctioned temporary power supply vide order dated 04.11.2010 at the construction site situated in Sy Nos. 30, 33, 34/1, 34/2 of Thimmegowdana Hosahally Village, Devanahally Taluk, Devanahally. The said temporary power supply given to the Petitioner premises was disconnected on 09.03.2011. However, the same came to be subsequently restored by the intervention of the Managing Director.

3. On 16.03.2011 the vigilance squad of the Respondent-Company inspected the

place and alleged to have noticed theft of electricity. Hence, after drawing up a mahazar, a case is registered against the Petitioner.

4. According to the Petitioner the allegations made against the Petitioner-Company are false and baseless and that there was no theft of electricity. Petitioner further contends that a provisional order in terms of Clause 42.06 of Conditions of Supply of Electricity of Distribution Licenses in the state of Karnataka came to be issued notifying the Petitioner that a sum of Rs. 33,22,963.00 was proposed to be levied as back billing charges and the Petitioner could submit his reply within fifteen days from the date of receipt of the provisional order/communication. After the receipt of this letter dated 25.03.2011, the Petitioner has addressed the representations at Annexure-D to the 1st Respondent and Annexures-E and F to the Managing Director of the 1st Respondent-Company. In fact, in the said communications the Petitioner has narrated the events that led to the disconnection of electricity supply to the premises causing serious loss and hardship for the business of the Petitioner.

5. Learned Counsel for the Petitioner contends that in this writ petition he is not challenging the action initiated demanding back billing charges. He submits that as the power supply to the Petitioner's site has been abruptly disconnected without even waiting for the reply in terms of the Conditions of Supply of Electricity of Distribution Licenses, the Petitioner having no other alternative remedy has approached this Court seeking a direction to the Authorities to consider the restoration of electricity supply.

6. Learned Counsel appearing for the Respondents submits that the remedy of the Petitioner is before the appellate authority and not by way of filing writ petition under Article 226 of the Constitution of India. According to him, the disconnection of the electricity is reported to in accordance with the provisions of law.

7. Upon hearing the learned Counsel for the parties and on consideration of the pleadings and the materials on record, I find that this Court need not interfere in the matter at this stage except to the extent that the representations given by the Petitioner addressed to the Managing Director deserves to be considered expeditiously.

8. Therefore a direction is issued to the Managing Director of the 1st Respondent Company to take immediate decision on the representations submitted by the Petitioner as per Annexures-E & F within a period of fifteen days from the date of receipt of a copy of this order. Liberty is also reserved to the Petitioner to challenge the action of back billing by approaching the appellate authority.

The writ petition is accordingly disposed of.

Sri. V.Y. Kumar is permitted to file Vakalath within two weeks.