

Kausalya Devi (Smt.) Vs. A.P.S.E. Board, Hyd. and Another

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SooperKanoon Citation : sooperkanoon.com/440280

Court : Andhra Pradesh

Decided On : Jul-22-1998

Reported in : 1998(4)ALD701; 1998(4)ALT594

Judge : S.R. Nayak, J.

Acts : [Electricity Act, 1910](#) - Sections 24

Appeal No. : W.P. No. 4717 of 1998

Appellant : Kausalya Devi (Smt.)

Respondent : A.P.S.E. Board, Hyd. and Another

Advocate for Def. : Mr. J. Siddaiah, SC for APSEB

Advocate for Pet/Ap. : M/s. K.V. Subrahmanya Narsu and ;K.S.R. Murthy, Advs.

Judgement :

ORDER

1. On 18-2-1998, the service connection to the petitioner's house was disconnected on the ground of pilferage of power. Being aggrieved by the said action of the Board, the petitioner had filed W.P. No.7488 of 1998 and this Court disposed of that writ petition directing the Board to restore the power connection to the petitioner's house subject to payment of 50% of the provisionally demanded amount.

2. The present writ petition is filed by the petitioner seeking a direction to the respondents 'not to pass any order without serving any notice on the petitioner and after giving appropriate opportunity of hearing and submission of explanation and to act accordingly and not otherwise by keeping of disconnection of supply under service No.N.3-1392'. Although this is the relief sought in the writ petition, the learned Counsel for the petitioner, at the time of hearing, confined himself to contend that the disconnection of the power supply to the petitioner's premises on 18-2-1988 was apparently illegal and inviolation of Section 24 of the Indian Electricity Act inasmuch as the disconnection was effected without prior notice of seven days and, therefore, the Board should be made accountable for the illegal act committed by it. This contention of the learned Counsel for the petitioner has no legs to stand in view of the decision of the Supreme Court in *M.P. Electricity Board v. Harsh Wood Products*, : AIR 1996 SC2258 . In the said judgment, the Supreme Court held that Section 24 of the Electricity Act does not apply to demand on detection of pilferage. The initial assessment notice (pilferage) dated 18-2-1998 makes it very clear that during the inspection conducted on 16-2-1998, the alleged pilferage was detected. Since the demand was based on detection of pilferage, prior notice to the petitioner envisaged under Section 24 of the Electricity Act was not necessary as held by the Supreme Court.

3. No ground is made out for interference. The writ Petition is, therefore, dismissed. No costs.