

Khaja Moenuddin Vs. A.P. State Electricity Board and anr.

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Court : Andhra Pradesh

Decided On : Aug-01-2001

Reported in : 2001(5)ALT89

Judge : Ghulam Mohammed, J.

Appeal No. : W.P. No. 28977 of 1998

Appellant : Khaja Moenuddin

Respondent : A.P. State Electricity Board and anr.

Advocate for Def. : K.N. Jwala, S.C. for TRANSCO

Advocate for Pet/Ap. : Kurity Bhaskara Rao, Adv.

Judgement :

ORDER

Ghulam Mohammed, J.

1. The controversy raised in this writ petition rests on a narrow compass namely as to whether the petitioner who is tenant of the premises at Lothkunta, Malkajgiri Mandal, Ranga Reddy District, after disconnection of the power supply, without applying for fresh connection for power supply, can demand for continuation of the supply existing in the name of the registered consumer.

2. The petitioner claims to be tenant in respect of the shop bearing Nos. 14-17 to 14-19 of Lothkunta, Malkajgiri Mandal, Ranga Reddy district. It is averred that the petitioner obtained the said premises on lease for a period of three years and that some differences have arisen between the tenant and the landlord with regard to enhancement of rent and consequently the petitioner moved the Court of the Junior Civil Judge, East and North, Ranga Reddy District in O.S.No. 518 of 1997 and obtained interim injunction against the landlord. Counterblast to his suit, the landlord also filed another suit. Be that as it may, on 7-9-1997, the 2nd respondent herein disconnected the electric supply without any notice. The petitioner initially filed Writ Petition No. 26323 of 1998 questioning the action of the respondents in disconnecting the power supply. This Court in W.P.No. 26323 of 1998 dated 23-9-1998 has passed the following order:

'You are directed to release the service connection No. 1256 subject to the petitioner paying all outstanding dues in respect of the above mentioned service connection. It is also made clear that this arrangement is only as stop gap arrangement to enable the petitioner to approach the jurisdictional forum for seeking restoration of essential service to building. This will be in operation only for a period of three weeks from the date of restoration.'

3. As per the directions of this Court the petitioner has paid all outstandings as on 23-9-1998 and thereafter power supply was provided. Subsequently, it is averred by the petitioner that he filed an application before the 2nd respondent requesting to treat him as a new consumer and provide meter to his shop. However, his application was not considered. The petitioner therefore seeks directions to direct the respondents to treat the petitioner as a new consumer by continuing existing meter No. 1256.

4. I have heard the learned Counsel for the petitioner and learned Counsel for the respondent Corporation.

5. Learned Counsel for the petitioner contended that lease is subsisting in favour of the petitioner and his possession is lawful, as per condition No. 3.2. of the terms and conditions of supply, the petitioner is entitled to get new service connection. Condition No. 3.2. of the terms and conditions of supply, reads as follows:

'3. Requisition for supply of energy.....

'3.2. An intending consumer, who is not the owner of the premises he occupies, shall, if so required by the Board, give proof of his being in lawful occupation of the premises and also execute an indemnity bond indemnifying the Board, against any losses on account of disputes arising out of the release of service to the occupant.'

6. In the counter affidavit filed by the respondents, inter alia, it was stated that the petitioner has not submitted any application seeking fresh connection. It is also stated that the petitioner has not paid the arrears.

7. However, during the course of hearing, the learned Counsel for the petitioner has produced receipts dated 3-8-1998 and 25-9-1998 evidencing the payment amounting to Rs. 10,130/-. In the facts and circumstances of the case, this writ petition is disposed of directing the petitioner to make application to the 2nd respondent seeking fresh connection, by paying necessary charges including any arrears, if any, within two weeks from the date of receipt of a copy of this order. On such application being filed, the 2nd respondent shall consider the same and pass appropriate orders within two weeks thereafter.

8. With the above directions, the writ petition is disposed of. No costs.