IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

IA.No. of 2021

IN

W P. No. 10485 of 2021

Between:

1. Krishna Enterprises, represented by its proprietor

B. Krishna S/o. Ramulu, Occ.

Business R/o. H.no. 17-1-3821P124,

Govt Press Colony, Hyderabad.

2. Vinayaka Enterprises, represented by its proprietor

B. Naveen Kumar S/o. B. Krishna, Occ. Business,

R/o. H.no. 17-1-3821P124, Govt Press Colony, Hyderabad.

…..Petitioners

AND

1. The Southern Power Distribution company of Telangana ltd,

rep by its chairman and Managing Director, Mint compound, Hyderabad.

2. Assistant Engineer (A.E), operations, TSSPDCL,

Mangalpally Sub-Station,Ibrahimpatnam.

3. Addl. Divisional Engineer (A.D.E), TSSPDCL lbrahimpatnam zone situated at

lbrahimpatan Vg and Mandal, R.R.Dist.

4. Divisional Engineer (D.E), TSSPDCL lbrahimpatan situated at RagannagudaVg,Abdullapurmet Mandal, R. R.Dist.

5. Superintending Engineer Operational, TSSPDCL

Sarrornagar circle situated at Nagole, Hyderabad.

6. Guduguntla Kotaiah, S/o. Lachaiah, Occ. Business, R/o. H.no. 16-2-7511N311C154, Road no.3, Malakpet, Tirumala Hills, Hyderabad.

7. Guduguntla Satyanarayana, S/o. Lachaiah, Occ. Business, R/o. H.no. 16-2-7511N311C154, Road no.3, Malakpet, Tirumala Hills, Hyderabad.

8. B. Radhika, D/o. Sudershan, Occ. Household R/o. Flat no.402, Vijaya Maruthi

Flora, Road no.3, Green Hills Colony, Kothapet, Hyderabad Represented by

GPA Holder Veeramalla Sudharshan S/o. late Mallaiah, Occ. Business R/o. Flat

no.402, Vijaya Maruthi Flora, Road no.3, Green Hills Colony, Kothapet, Hyderabad.

9. M/s Narayana lndustries firm, Regd no. 1503/2010 dt. 13-06-2013 rep by its the

then managing partner N. Yadaiah S/o. late Pullaiah, Occ. Business, R/o. Plotno.120, Sairam Nagar, Champapet, Hyd

……Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENTS 1-5

I G.Saidulu , S/o.Krishnaiah , Age:40 years, Occ : Assistant Divisional Engineer (Operations),Ibrahimpatnam,TSSPDCL(Telangana State Southern Power Distribution Company Limited), Hyderabad, do here by solemnly affirm and state on oath as follows:

I am working as Assistant Divisional Engineer(Operations), Ibrahimpatnam, TSSPDCL(Telangana State Southern Power Distribution Company Limited), Hyderabad and well acquainted with the facts of the case and I am authorized to Swear this affidavit on behalf of Respondents 1,2,4 and 5.

1. It is submitted that the writ petition is filed for declaring the action of the 2nd respondent in not considering the civil dispute pending in between the petitioners and the respondents No.6 to 8 and disconnecting the power supply to the meter vide USC no. 109558052 without considering the representations and in action to the petitioners representation Dated: 16-02-2021,18-02-2021 and 02-03-2021 to the respondents no. 2 to 5 as illegal, arbitrary, Voilative of Article 14 and 21 of the Constitution of India, and consequently direct the respondent No.2 to restore the power connection to the meter vide USC no. 109558052 at the premises situated at H.no. 5-186, plots no. 47 to 54, forming part of Sy.no. 241/EE Mangalpally Village, lbrahimpatnam Mandal, R.R.Dist.

2.It is submitted that these Respondents are not aware of the civil disputes pending between the petitioners and Respondents 6 to 8 and the said disputes are not concerned with the action initiated by the Respondents. As the meter for service connection bearing USC.No. 109558052 situated at H.No. 5-186, Plot.No.47 to 54 in Sy.No 241/EE, Mangamapalli Village, Ibrahimpatnam Mandal, Rangareddy District was found to be not functioning properly an inspection was carried out by the Detection of Pilferage Wing and a demand notice dated 29-12-2020 was issued for an a amount of Rs. 65,708. The petitioner did not pay the amount even after 30 days after receiving the notice hence power supply was disconnected.

3.It is submitted that the 9th Respondent has filed a Writ Petition bearing WP.No 6571 of 2021 for not initiating any action to disconnect for power connection by dismantling the meter USC.No. 109558052 as per the application made by them. The Hon’ble Court by final orders dated 17-03-2021 directed the Respondents to consider their representation dated 15-02-2021 and pass orders in accordance with law. In compliance of the said orders the petitioners were informed about the orders dated :17-03-2021 in Writ Petion. No. 6571 of 2021 and the power supply to the service connection was disconnected after 16 days.

4.It is submitted that this Hon’ble court by order dated: 28-04-2021 in WP.No.10485 of 2021 has directed the Respondents to restore the power supply and take action as per the directions of the Hon’ble Court in WP.No.6571 of 2021. In compliance of the said orders the power supply was restored on 29-04-2021.

5.It is submitted that the petitioner is liable to pay the amount of Rs.65,708/- as per the demand notice dated 29-12-2020 which was raised for short billing. That the Respondents are entitled to initiate appropriate steps including disconnection of power supply non-payment of the dues. It is submitted that the petitioner is liable to pay the demand amount of Rs. 65,708/- towards short billing and if the orders dated : 28-04-2021 in WP.No.10485 of 2021are not Vacated the Respondents shall suffer great financial loss.

It is submitted that all the allegations made by the petitioner that are not specifically dealt with herein are denied and the petitioner is put to strict proof of the same.

It is therefore prayed that this Honorable Court may be pleased to vacate the interim orders dated: 28-04-2021passed in WP.No.10485 of 2021 and dismiss the writ petition and be pleased to pass such other orders as this Honorable Court deems fit and proper in the circumstances of the case.

Sworn and signed before me DEPONENT

On this day of August, 2021

At Hyderabad Advocate: Hyderabad

VERIFICATION

I G.Saidulu , S/o.Krishnaiah , Age:40 years, Occ : Assistant Divisional Engineer (Operations),Ibrahimpatnam,TSSPDCL(Telangana State Southern Power Distribution Company Limited), Hyderabad, do hereby verify and declare that the facts stated in the above paragraphs of the affidavit are true to my personal knowledge, belief, information and also legal advise from my counsel.

Hence verified on this the day of August 2021 at Hyderabad.

DEPONENT

Counsel for the Respondents 1-5.

**NOTE:-**

**File copy of demand notice dated 29-12-2020**

**Copy of order dated 17-08-2021 in WP.No. 6571 of 2021**

**Copy of the proceedings issued in compliance of orders in WP.No. 6571 of 2021**