

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.Nos.37043 to 37045 of 2015

C. Rajendran ... Petitioner in
W.P.Nos.37043 and
37044 of 2015

R. Karpagam ... Petitioner in
W.P.No.37045 of 2015

vs

1. Tamil Nadu Electricity Board
rep. By its Chairman
144 Anna Salai
Chennai 2.
2. Assistant Executive Engineer
O & M/TEDC/TANGEDCO
Vembakkam 604 410
Tiruvannamalai District. Respondents in all the
Wps.

Common Prayer:-Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writs of Certiorari to call for the records relating to the order dated 6/11/2015 made in Lr.No.AEE/O&M/VBM/F.THEFT/D246/15 passed by the second respondent and quash the same.

For petitioners ... Mr.R.Thiagarajan
For respondents ... Mr.M.Varun Kumar

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COMMON ORDER

With the consent of the learned counsel appearing for the parties, the main writ petitions are taken up for final disposal.

2. Heard Mr.R.Thiagarajan, learned counsel for the petitioners and Mr.M.Varunkumar, learned counsel appearing for the respondents.

3. These writ petitions had been filed praying to quash the orders passed by the second respondent in Lr.No.AEE/O&M/VBM/F.THEFT/D246/15 dated 6/11/2015.

4. The petitioners have challenged the orders of assessment passed by the second respondent, alleging theft of energy from the Agricultural Service connection.

5. The learned counsel appearing for the petitioners submits that the petitioners are illiterates and without affording sufficient opportunity to the petitioners and without furnishing the requisite particulars, impugned orders have been passed.

6. It is seen that prior to the impugned orders, provisional assessment orders were passed under Sections 135 and 138 of the Electricity Act, 2006, on 29/10/2015. In the said order, the petitioners was granted liberty to file objections and to send the explanations to the second respondent, with sufficient proofs, within seven days from the date of receipt of the said order. Further, the petitioners were also granted liberty to appear in person or through their authorised representatives, with relevant documents, for enquiry, before the second respondent. However, the petitioners did not file their objections, which according to the learned counsel, on account of their illiteracy.

7. Considering the facts and circumstances of the cases, this Court is of the view that the petitioners had not made out any case to substantiate the impugned orders. However, this Court is of the opinion that the petitioners could be afforded one more opportunity, so as to place the materials, to prove their innocence.

8. Accordingly, final assessment orders dated 6/11/2015, which are impugned in these writ petitions, are directed to be treated as show cause notices and the petitioners are directed to submit their objections, within a period of seven days, from the date of receipt of a copy of this order. Thereafter, the respondents shall afford an opportunity of hearing to the petitioners and pass fresh orders of assessment, in accordance with law, within a period of fifteen days, from the date of the personal hearing.

9. With the above direction, these writ petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Chairman
Tamil Nadu Electricity Board
144 Anna Salai
Chennai 2.
2. The Assistant Executive Engineer
O & M/TEDC/TANGEDCO
Vembakkam 604 410
Tiruvannamalai District.

+3 ccs to Mr.R.Thiyagarajan Advocate sr.63261 to 63263

W.P.No.37043 to 37045 of 2015

aa15/12/2015

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