

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Friday, the 13th day of March, 2015

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr.JUSTICE M.THANIKACHALAM (Retd.)

and

Members

Mr.D.Bhaskar

Ms.S.Padma

W.P.No.44824 of 2002

(This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his letter No.EE/O&M/PBR/AE.CAUP/F.DOC/D.600/2002 dated 16.11.2002 quash the same and direct the respondent to furnish a relevant records namely billing data, load survey data, tamper data, instantaneous power factor, average power factor, KW load, cumulative K.W., tamper information if any derived from common meter reading instrument (CMRI) in the proper computerized sheet, interruption and load shot down details with time and date for the petitioner service in A/c No.69-12-149, TF III B.

Chetan Agarwal

... Petitioner

Vs.

1.The Executive Engineer (Distribution)
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle, North
Perumbur

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle, North
Chennai.

... Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. Mr.A.K.Parthasarathy, learned counsel for the petitioner Mr.P.R.Dillip Kumar, learned counsel for the respondents 1 & 2 are present.

TERMS OF SETTLEMENT

It appears that flying squad Electricity Board Department inspected the service connection of the petitioner elsewhere in the year 2002 and noticed theft of energy resulting proceedings, passing a final order to pay a sum of Rs.7,76,235/- which is impugned in this writ petition.

2. Now, both the parties have negotiated the matter and the department also has given up massive interest deduction thereby writ petitioner agreeing to pay a sum of Rs.7,52,000/- (Rupees Seven Lakhs Fifty Two Thousand only) Out of which, as directed by the Adalat a sum of Rs.2,52,000/- was paid and the same is recorded and the remaining balance of Rs.5,00,000/- (Rupees Five Lakhs only) is to be paid by the petitioner to the respondents.

3. The parties further negotiated and Electricity Board is willing to receive the balance of Rs.5,00,000/- (Rupees Five Lakhs only) within a period of four months on certain conditions, viz., to pay the said amount within a period of four months from today, failing which, the petitioner is liable to pay not only Rs.5,00,000/- but also interest waived, viz., Rs.17,69,816/- which is also agreed by the parties. Evidencing aforesaid fact, a Joint Memo signed by both the parties and their counsels filed and the same is recorded.

4. The petitioner appears to be an old man unable to move and he has authorised his son, viz., Rishi Agarwal to conduct the case, for which, an Authorisation letter as well as Medical Certificate are filed and the same are recorded.

5. In terms joint endorsement, the petitioner is permitted to pay balance amount of Rs.5,00,000/- (Rupees Five Lakhs only) on or before 13.07.2015, failing which, he should pay as agreed in the Joint Memo entire amount, viz., Rs.22,69,860/-. The aforesaid Joint Memo shall form part of the order. Writ Petition is disposed of accordingly.

Sd/-
Rishi Agarwal

Sd/-
Counsel for the Petitioner

Sd/-
1. The Executive Engineer (Distribution)
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle, North
Perumbur

Sd/-
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity
Distribution Circle, North
Chennai.

Sd/-
Counsel for the Respondents

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the petitioner in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Sd/-
Judge
Sd/-
Member
Sd/-
Member

Xerox Copy of Memo of Undertaking is Enclosed.

Sd/-
Assistant Registrar (Lok Adalat)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. The Executive Engineer (Distribution)
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle, North Perumbur
 2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle, North Chennai.
 3. The Secretary, High Court Legal Services Committee, Chennai.
 4. The Section Officer, V.R. Section, High Court, Madras.
 5. The Section Officer, Lok Adalat Section, High Court, Madras.
- +2 copies

W.P.No.44824 of 2002

SV(CO)
CA(13/04/2015)