

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.11755 OF 2016

AND

WMP NO.10158 OF 2016

M/s.Fine Heat Technology

Prop. A.Arul Kumar

S/o. P.Arumugam

Plot No.13, Rajeshwari Lay Out

Begapalli (P.O.) SIPCOT,

Hosur - 635 126.

... Petitioner

Versus

1.The Chairman

Tamil Nadu Electricity Board

144, Anna Salai,

Chennai - 600 002.

2.The Superintending Engineer

Adm.I, TANGEDCO

Krishnagiri Electric Distribution Circle

Krishnagiri.

3.The Executive Engineer

(O&M) TANGEDCO

Hosur, Krishnagiri (Dt).

4.The Asst. Executive Engineer /

Distribution

(O&M) TANGEDCO

Sipcot, Hosur,

Krishnagiri (Dt.)

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned additional levy notice dated 12.03.2016 issued by the 4th respondent quash the same and consequently direct the 4th

respondent to restore service connection under Service Connection No.066-018-231/IIIB, to the petitioner's factory at No.Door No.13, Rajeshwari Layout, Begapalli, Sipcot, Hosur.

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondents: Mr.M.Varunkumar

O R D E R

Heard Mr.M.D.Thirunavukkarasu, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned counsel, who accepts notice for the respondents.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is aggrieved by the provisional assessment / working sheet served on them pursuant to an inspection conducted in their unit on 12.03.2016. During the course of inspection, theft of energy was detected and the petitioner has paid compounding fee to avoid prosecution. By the impugned order, the petitioner has been directed to pay a sum of Rs.5,10,573/-, towards the computed consumption, the energy which was thieved and extra levy charges.

4.Admittedly, the impugned communication is only a provisional working sheet, or in other words, provisional assessment. Therefore, the petitioner has got an opportunity to raise his objection to state that they are not liable to pay the amount as demanded. However, the case is being one relating to allegation of theft of energy said to have detected during the course of inspection on 12.03.2016, pursuant to which, the electricity service connection has having been disconnected. In order to avail the opportunity of submitting their objections to the impugned provisional assessment, the petitioner should be put on terms.

5.Accordingly, this writ petition is disposed of directing the petitioner to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. Simultaneously, the petitioner shall also submit his objections to the said working sheet / provisional assessment, which shall be considered by the fourth respondent, after affording an opportunity of personal hearing to them. If the petitioner complies with the said condition within a period of two weeks by making payment of Rs.2,00,000/- and submitting objections simultaneously, then the electricity service connection shall be reconnected. The petitioner shall be heard by the fourth respondent and final order of assessment shall be passed within

a reasonable time. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TK
To

- 1.The Chairman
Tamil Nadu Electricity Board
144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer
Adm.I, TANGEDGO
Krishnagiri Electric Distribution Circle
Krishnagiri.
- 3.The Executive Engineer
(O&M) TANGEDGO
Hosur, Krishnagiri (Dt.).
- 4.The Asst. Executive Engineer / Distribution
(O&M) TANGEDGO
Sipcot, Hosur,
Krishnagiri (Dt.)

+ 1 cc to Mr.M.D.Thirunavukkarasu, Advocate SR.19983

सत्यमेव जयते

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KGK(CO)
EU 07.04.16

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