

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 12th day of September, 2016

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Members

Mr.S.Gunaseelan
Mr.S.Sridharan

S.A.No.2006 of 2002

(This Second Appeal is filed against the judgment and
decree dated 11.10.1996 made in A.S.No.38 of 1995 on the file of
the Court of Subordinate Judge, Ranipet, N.A.A.Dt.)

1.A.S.Velu

2.A.S.Murugan ...Appellants

Vs.

1.The Superintending Engineer,
T.N.E.B.Vellore

2.The Executive Engineer,O&M
T.N.E.B.Arcot

3.The Junior Engineer,
T.N.E.B.Arcot

...Respondents

This case came up for settlement before the Lok Adalat.
Mr.A.Muthu Kumar, learned counsel appearing for the appellants
and Mr.S.R.Shanmuga Doss, learned standing counsel appearing for
the respondents (TNEB) are present.

TERMS OF SETTLEMENT

The appeal in S.A.No.2006 of 2002 pending on the file of
High Court, Madras and preferred against the Judgment and
Decree, dated 11.10.1996 in A.S.No.38 of 1995 on the file of
Sub-Court, Ranipet, North Arcot District confirming the judgment
and decree dated 22.03.1995 in O.S.No.313 of 1992 on the file of
District Munsif, Ranipet, North Arcot District has been referred
to Lok Adalat for conciliation today.

2. The plaintiffs who are the appellants in Second Appeal
No.2006 of 2002 have filed the Original Suit against the
Superintending Engineer, Tamil Nadu Electricity Board, Vellore
and two other Electricity Board officials for the relief of

declaration that the order passed by the second defendant/Executive Engineer on 16.12.1991 is not valid and also for the relief of permanent injunction restraining the defendants 1 to 3 from implementing the above said order of the second defendant and for other suitable reliefs.

3. After trial, the Trial Court has come to a conclusion that the relief sought for by the plaintiffs against the defendants cannot be granted and accordingly dismissed the suit.

4. Aggrieved at the judgment and decree dated 22.03.1995 in O.S.No.313 of 1992 on the file of District Munsif, Ranipet, the plaintiffs as appellants have filed the appeal in A.S.No.38 of 1995 on the file of the Sub-Court, Ranipet, North Arcot District.

5. After hearing both sides, the First Appellate Court has found that there is no grounds to interfere with the judgment and decree passed by the Trial Court and accordingly dismissed the first appeal on 11.10.1996. Aggrieved at the said judgment and decree, the plaintiffs as appellants have preferred this Second Appeal in S.A.No.2006 of 2002 on the file of High Court, Madras.

6. The appellants assisted by the counsel and the respondents assisted by Standing Counsel for Tamil Nadu Electricity Board Mr.S.R.Shanmuga Doss are present before Lok Adalat today for conciliation.

7. After great deliberation and discussion, both parties have compromised the dispute between them as follows:-

"As per the memo NA.CE/COMMI/EE3/FAdalat/D213/12 dt.8.6.2012. The theft of energy cases deducted prior to 10.06.2003 the waiver of BPSC on the Assesment amount can be waived. When the case is posted before the Hon'ble Lok Adalat. In this case the deduction of theft happened on 28.02.1990. And the Appellant/the Consumer has already paid the entire Assessed amount and only the BPSC to the tune of Rs.11,924/- (Eleven thousand nine hundred and twenty four) only is the payment to be made by the appellant. In the light of the above mentioned memo issued by Chief Engineer Commercial (I.C) for Director (Distribution) the BPSC amount due from the appellant is hereby waived and hence the Appeal may be disposed of accordingly".

8. Admittedly, the electric connection to the rice mill was disconnected.

9. In view of the issue of the order of the second respondent herein, the appellants have no objection to apply for new service connection to the said premises and the respondents have no objection to give new connection to the above said premises since account relating to the service connection in dispute has already been closed.

10. The respondents have also no objection to adjust the deposit amount in connection with the connection of the rice mill to the connection to be given afresh to the appellants.

In view of the above said compromise between both parties, it is hereby declare and decree that the respondent shall give new connection to the appellants on application for such connection and on deposit of amount if necessary to the respondents by the appellants within two months from the date of application and deposit of necessary amount for new connection. No order as to costs. Award is passed accordingly. Connected Miscellaneous petitions are closed if any.

-s/d-

1.A.S.Velu

-s/d-

2.A.S.Murugan

-s/d-

...Counsel for the appellants

-s/d-

1.The Superintending Engineer,
T.N.E.B.Vellore

-s/d-

2.The Executive Engineer,O&M
T.N.E.B.Arcot

-s/d-

3.The Junior Engineer,
T.N.E.B.Arcot.

-s/d-

...Counsel for the respondents

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The full Court fee paid shall be refunded to the appellants 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.

-s/d-
Member

-s/d-
Judge

-s/d-
Member

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Copy to:

- 1.The Subordinate Judge, Ranipet, North Arcot District.
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.+2 ccs
nvi

S.A.No.2006 of 2002

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