

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.25733 of 2003

R.Thamilarasi

... Petitioner

vs.

1. Tamil Nadu Electricity Board,
rep. By its Chairman,
800, Anna Salai,
Chennai - 2.
2. The Superintending Engineer,
Thanjavur Electricity Distribution
Circle, Tamil Nadu Electricity Board,
No.1, Vallam Road,
Thanjavur - 613 007.
3. The Executive Engineer/O & M,
Thanjavur Electricity Distribution
Circle, Tamil Nadu Electricity Board,
Thanjavur.
4. The Assistant Engineer/O & M,
Tamil Nadu Electricity Board,
Thiruvaiyaru, Thanjavur District.
5. The Assistant Executive Engineer,
APTS/Tamil Nadu Electricity Board,
Thanjavur.
6. The Inspector of Assessment/O & M/
Town/Tamil Nadu Electricity Board,
Thirukkattupalli, Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records of the 3rd respondent in Lr.No.EE/O&M/TJR/IER/F.2/APTS/Doc.No.3/2002, dated 17.04.2002 and as confirmed by the 2nd respondent in Lr.No.AEE/Genl./V2/FDE 11(2002)/PB 51/2003, dated 24.02.2003, quash the same and direct

the respondents herein to refund the amount collected from the petitioner.

For Petitioner : Mr.N.Maninarayanan

For Respondents : Mr.P.Gunaraj

O R D E R

Challenging the proceedings dated 17.04.2002 passed by the 3rd respondent, as confirmed by the 2nd respondent vide proceedings dated 24.02.2003 and for a consequential direction to the respondents herein to refund the amount collected, the petitioner is before this Court by way of the present Writ Petition.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. According to the petitioner, she is a tenant of one P.Ponnusamy Pillai and she has been regularly paying the electricity consumption charges as recorded in the meter vide Electricity Connection in S.C.No.600/Tariff V. It is the case of the petitioner that on 15.03.2002, about 6.00 p.m., respondents 3 to 6 herein, inspected her premises without any notice and informed her that there is theft of energy. Pursuant thereto, civil and criminal proceedings have been initiated against the petitioner.

4. The respondents have filed counter affidavit and have stated that the service connection bearing Account No.600, in the name of P.Ponnusamy Pillai, being charged under Tariff-V was inspected by the APTS Wing on 15.02.2002 in the presence of the petitioner. On inspection, it was found that there is a hole in the bottom of the meter and the same was being used to stop the running of the meter by inserting a stick, thereby preventing the meter from recording the actual consumption. The said act of the petitioner amounts to theft of electricity under the provisions of the Electricity Act, and both criminal and civil proceedings were initiated against the petitioner. Since the petitioner admitted the offence and agreed to compound the same, the criminal proceedings were compounded on payment of requisite fee.

5. The 4th respondent issued a show cause notice to the petitioner on 15.04.2002. The representation of the petitioner dated 23.03.2002 was considered by the 3rd respondent in accordance with law and by an assessment order, dated 17.04.2002, the 3rd respondent rejected the petitioner's explanation and directed her to pay a sum of Rs.24,180/- within

seven days from the date of receipt of the order. The appeal filed by the petitioner before the 2nd respondent was taken on file and stay of disconnection was granted on payment of 40% of the assessed amount. During the appeal proceedings, the meter was referred to the Forensic Lab and by a Report dated 28.11.2002, the Forensic Lab confirmed the tampering of the meter. The 2nd respondent/appellate authority, after considering the report of the Forensic Lab and the documents produced by the petitioner as well as the Board, confirmed the assessment order dated 17.04.2002 and directed the petitioner to pay a sum of Rs.14,508/- in three equal instalments, after deducting a sum of Rs.9,672/- already paid. According to the respondents, though, aggrieved by the said order, the petitioner has filed the present Writ Petition, subsequently, the petitioner paid the demand raised in the impugned order, on 30.05.2003.

6. In view of the statement made by the petitioner in the counter affidavit that she has admitted the offence of theft of energy and agreed to compound the same and that she has paid the demand raised in the impugned order, on 30.05.2003, this Writ Petition is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To:

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 2.
2. The Superintending Engineer,
Thanjavur Electricity Distribution
Circle, Tamil Nadu Electricity Board,
Thanjavur.
3. The Executive Engineer/O & M,
Thanjavur Electricity Distribution
Circle, Tamil Nadu Electricity Board,
Thanjavur.

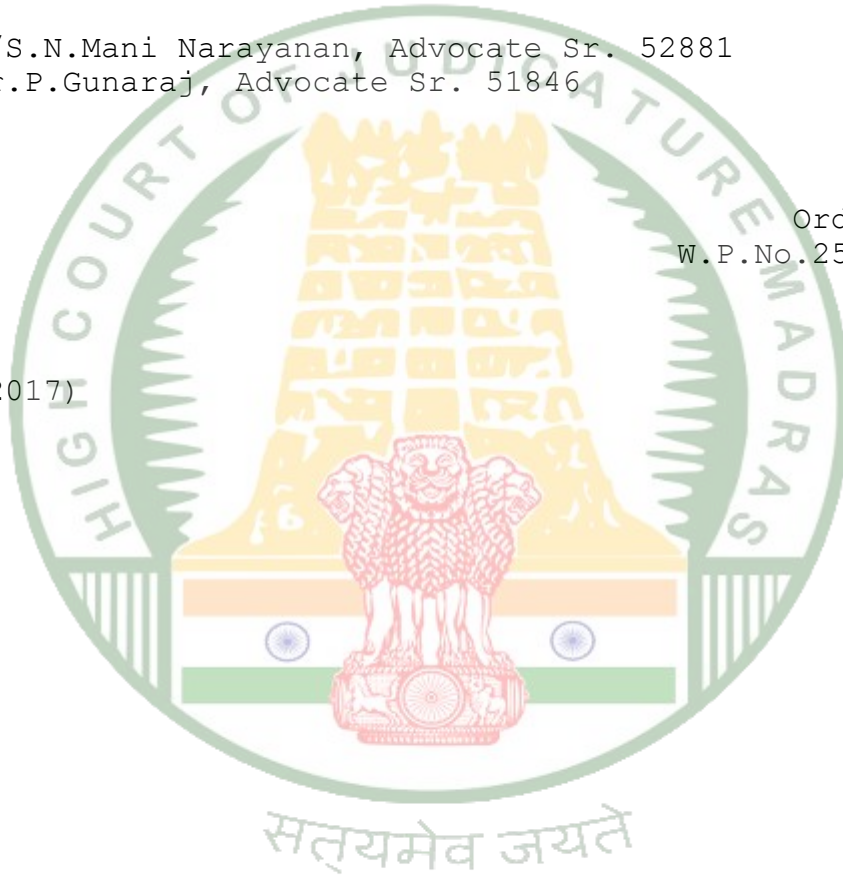
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6. The Inspector of Assessment/O & M,
Town/Tamil Nadu Electricity Board,
Thirukkattupalli, Thanjavur District.

+1cc to M/S.N.Mani Narayanan, Advocate Sr. 52881

+1cc to Mr.P.Gunaraj, Advocate Sr. 51846

Order in
W.P.No.25733 of 2003

GP(CO)
VR(01/09/2017)



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