

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2086 of 2018
and
WMP.Nos.2598 to 2600 of 2018

K.K.Sirajutheen
S/o.Mohammed Kutty

.. Petitioner

Vs.

1. The Superintending Engineer
Tamil Nadu Generation of Electricity and
Distribution Corporation
Nagapattinam District,
Nagapattinam.

2. The Assistant Executive Engineer
Operation and Maintenance
Tamil Nadu Generation of Electricity and
Distribution Corporation (North)
Nagapattinam.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records comprised in L.R.No.AEE/O&M/NORTH/NGT/F.THEFT/D.No.215/17 dated 12.12.2017 passed by the 2nd respondent and to quash the same and to direct the 2nd respondent to restore the power supply in Service Connection No.502-013-45 to the Star Juice and Bakes situate at No.150, Nethaji Road, Nagapattinam and forthwith.

For Petitioner : Mr.N.A.Ravindran

For Respondents : Mr.P.Gunaraj
standing counsel

O R D E R

Mr.P.Gunaraj, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the final assessment order for theft of energy under Section 135 of the Electricity

Act, 2003 dated 12.12.2017. Consequently, the petitioner seeks for restoration of the power supply.

3. Heard both sides.

4. When a provisional order of assessment was made, the petitioner approached this Court and filed a writ petition in WP.No.30632 of 2017, challenging the said provisional assessment. This Court, disposed the said writ petition on 27.11.2017, without expressing any view on the merits of the matter, only with a direction to the second respondent herein to pass a final assessment order, within a period of four weeks from the date of receipt of a copy of the said order. Consequently, the petitioner also filed a written submissions before the second respondent. Thereafter, the present impugned order was passed on 12.12.2017, finding that the theft of electricity has been committed by the petitioner, however, by stating that a reasoned / detailed order will be passed by the officer concerned taking into consideration the theft of electricity noticed, explanation and findings and the reference to be made to the materials in support of the claim of the licensee about the existence of theft, the involvement or the role of the consumer with reference to the said theft of energy, submissions made by accused person in his written reply as well as during his personal hearing and reasons acceptance or rejection of the same.

5. Therefore, it is evident that a reasoned / detailed order is yet to be passed by the second respondent.

6. The learned standing counsel for the respondents submitted that the reasoned / detailed order will be passed by the second respondent within a period of four weeks.

7. The above said statement of the learned standing counsel for the respondents is recorded. Therefore, this writ petition is disposed of, by directing the second respondent to pass the said reasoned / detailed order within a period of four weeks from the date of receipt of a copy of this order. The petitioner is given liberty to challenge the reasoned / detailed order, once passed by the second respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Superintending Engineer
Tamil Nadu Generation of Electricity and
Distribution Corporation
Nagapattinam District,
Nagapattinam.

2. The Assistant Executive Engineer
Operation and Maintenance
Tamil Nadu Generation of Electricity and
Distribution Corporation (North)
Nagapattinam.

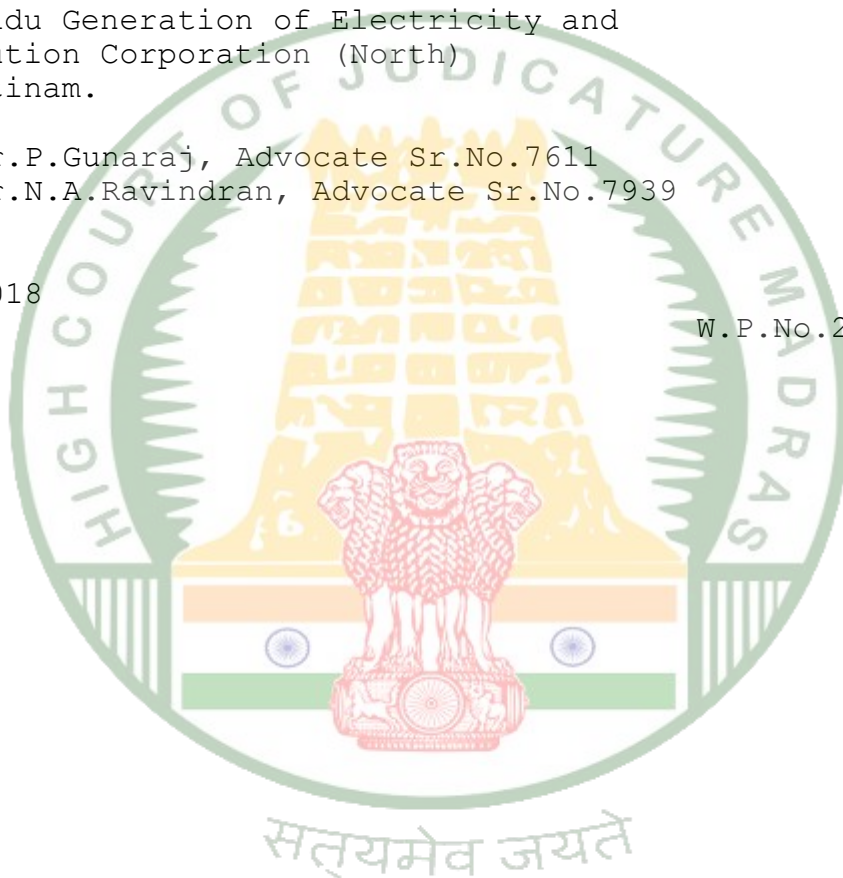
+lcc to Mr.P.Gunaraj, Advocate Sr.No.7611

+lcc to Mr.N.A.Ravindran, Advocate Sr.No.7939

GJII(CO)

sm:16.2.2018

W.P.No.2086 of 2018



WEB COPY