

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3038 of 2013

V.Sri Gandhi

..Petitioner

vs

1. The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Erode - 1.

2. The Executive Engineer,
Urban, Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Erode.

3. The Junior Engineer, (O & M)
Tamil Nadu Electricity Board,
Narayanavalasu, Erode.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the order passed by the third respondent in his Letter No.J.E/N.A./Valasu/Ko.Kattu/No.328/2003, dated 05.03.2004 and the consequential order passed by the first respondent in his Letter No.SC/EEDC/E/AEE/KO.MAE/P.Th.Va/SC238/A No.092/09, dated 14.05.2009 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.K.Raameshwar,
Standing Counsel

O R D E R

The order passed by the third respondent in proceedings dated 05.03.2004 and the consequential order passed by the first respondent in proceedings dated 14.05.2009 in respect of the theft of energy by the writ petitioner, are under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner is possessing an agricultural land and the respondents have provided electricity service connection and the agricultural tariff S.C.No.238 bearing Tariff No.IV. On inspection, the authorities of the Tamil Nadu Electricity Board, found that the writ petitioner has utilized the electricity power supply for the purpose of commercial activities. The agricultural service connection provided by the respondents was misused by the writ petitioner and therefore, the respondents have initiated action for theft of energy under the Provisions of the Electricity Code. After conducting an inspection and an enquiry, order has been passed in proceedings dated 05.03.2004, stating that the writ petitioner is liable to pay the charges for the theft of energy.

3. The writ petitioner filed a Civil suit in O.S.No.717 of 2004 before the Principal District Munsif Court, Erode. The suit filed by the writ petitioner was dismissed by the Civil Court of Law. This apart, the writ petitioner approached the Tamil Nadu Electricity Ombudsman and Ombudsman also passed an order dated 05.11.2009, rejecting the claim of the writ petitioner.

4. Thus, the facts, merits and the grounds raised by the writ petitioner in respect of his claims were rejected both by the Civil Court of Law as well as by the Tamil Nadu Electricity Ombudsman in petition No.28 of 2009. When the facts and circumstances were adjudicated by the competent Civil Court of Law and the Tamil Nadu Electricity Ombudsman, this Court cannot interfere with such factual findings made by the competent Civil Court of Law as well as by the Tamil Nadu Electricity Ombudsman in respect of facts and circumstances.

5. Thus, the writ petitioner is liable to pay the balance amount due to the Electricity Board. It is represented that the writ petitioner had already deposited 50% of the amount with the respondents. Thus, the writ petitioner is liable to pay the balance amount due to the respondents, within a period of four weeks from the date of receipt of a copy of this order and the interest, as admissible as per the Electricity Code, shall be inflicted on the writ petitioner while collecting the balance dues.

6. Accordingly, the impugned orders are confirmed and writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

pns/svn

To

1. The Superintending Engineer,
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Tamil Nadu Electricity Board,
Erode - 1.
2. The Executive Engineer,
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Tamil Nadu Electricity Board,
Erode.
3. The Junior Engineer, (O & M)
Tamil Nadu Electricity Board,
Narayanavalasu, Erode.

+1cc to Mr.C.Prakasam, Advocate SR.No.61197

सत्यमेव जयते

W.P.No.3038
of 2013

GMV (19/09/2018)

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