

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32263 of 2007

M/s.Packers International
rep. by its Proprietor,
1824/2, 18th Main Road,
Anna Nagar West,
Chennai-600 040.

... Petitioner

Vs

1. The Tamil Nadu Electricity Board
rep. by its Chairman,
Anna Salai,
Chennai-600 002.

2. The Executive Engineer (O&M),
Perambur,
No.75, Paper Mills Road,
Perambur, Chennai-11.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the Proceedings of the 2nd respondent comprised in Letter No.EE/O&M/PBR/AECAUP/F.DOC/D/913 dated 17.9.2007 and quash the same.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.P.R.Dhilip Kumar,
Standing Counsel

O R D E R

Questioning the correctness of the Proceedings of the 2nd respondent comprised in Letter No.EE/O&M/PBR/AECAUP/F.DOC/D/913 dated 17.9.2007, calling upon the petitioner to pay the balance assessment amount of Rs.6,43,260/- within 15 days from the date of receipt of that order, otherwise, the service connection is liable to be disconnected without further notice, the present Writ Petition has been filed.

2. Mr.A.Jenasenan, learned Counsel appearing for the petitioner submitted that the Tamil Nadu Electricity Board to

give a quietus to all the pending theft cases of electricity against the consumers, has come out with a Scheme quantifying the amount on the theft of energy along with belated payments of surcharge. This was questioned before the Tamil Nadu Electricity Regulatory Commission. After considering the claims and counter claims made by both parties, the Tamil Nadu Electricity Regulatory Commission, by its Order dated 06.01.2016 while setting aside the claim for BPSC has given a time limit for the consumers to pay the quantified amount by the Tamil Nadu Electricity Board. As against the said order, an appeal also has been filed and the same is pending. Therefore, it is pleaded that the amount fixed by the respondents towards theft of energy amount of Rs.6,43,260/- may be directed to be accepted.

3. Learned Standing Counsel appearing for the respondents 1 and 2 submitted that time may be granted to verify as to whether any appeal filed against the Order dated 06.01.2016 of the Tamil Nadu Electricity Regulatory Commission is pending.

4. Even if any appeal is pending, this Court finds no impediment to direct the respondents to receive the quantified amount of theft of energy i.e. Rs.6,43,260/- (Rupees Six Lakhs Forty Three Thousand Two Hundred and Sixty Only) in one lump sum that also shall be paid within a period of one week from the date of receipt of a copy of this Order, without prejudice to the right of the petitioner. If any appeal is filed as against the order dated 06.01.2016 of the Tamil Nadu Electricity Regulatory Commission, the payment of the said amount is subject to the result of the said writ appeal.

5. With the above observation and direction, the Writ Petition is disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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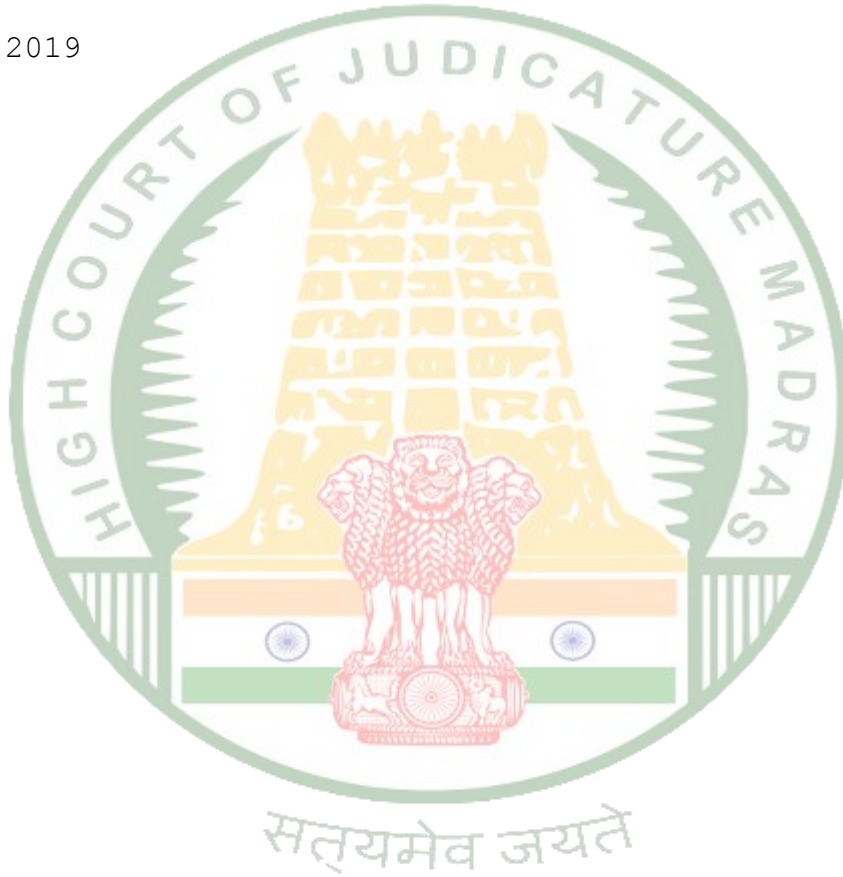
1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-600 002.

2. The Executive Engineer (O&M),
Perambur,
No.75, Paper Mills Road,
Perambur, Chennai-11.

+1 cc Mr.P.R.Dhilipkumar, Advocate, Sr.No. 26532
+1 cc to Mr.A.Jenasenan, Advocate, Sr.No. 27042

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BR(CO)
CSL/03.05.2019



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