

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32286 to 32289 of 2007

And

M.P.Nos.1 to 1 of 2007

M.Balakrishnan ... Petitioner in W.P.No.32286/ 2007
R.Chellamuthu ... Petitioner in W.P.No.32287/ 2007
M.Balakrishnan ... Petitioner in W.P.No.32288/ 2007
P.Chellamuthu ... Petitioner in W.P.No.32289/ 2007

Vs.

- 1.The Superintendent Engineer,
TNEB, Mettur Dam.
- 2.The Asst. Executive Engineer O & M,
TNEB Pallipalayam. ... Respondents in all the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent in his proceedings bearing letter Nos.AEE/O&M/PPM/CI/F.DKT/D.789/07, AEE/O&M/PPM/CI/F.DKT/D.789-1/07, AEE/O&M/PPM/CI/F.DKT/D.789-2/07 and AEE/O&M/PPM/CI/F.DKT/D.789-3/07 respectively, dated 24.09.07 quash the same.

For Petitioners : Mr.M.Sudhakar
For Respondents : Mr.P.R.Dilip Kumar

COMMON ORDER

The petitioners are running powerloom unit and they have electricity service connection. On 19.07.2007, 20.07.2007, 19.07.2007 and 20.07.2007 respectively, the anti power theft squad of the respondents made a surprise check at their premises and claimed that the petitioners have tampered with the meter seals and had caused theft of energy. The second respondent assessed the loss at Rs.1,39,309/-, Rs.1,19,014/-, Rs.1,43,343/- and Rs.1,65,880/- respectively and collected a sum of Rs.60,000/-, Rs.60,000/-, Rs.60,000/- and Rs.68,880/- respectively, from the petitioners and directed them to pay the balance in five equal monthly instalments. The petitioners preferred appeal against the said order before the first respondent.

2.The first respondent vide letter dated 16.08.2007 directed the petitioners to pay a sum of Rs.100/- as registration charges for the appeal and the same was paid by the petitioners on 17.08.2007. The first respondent heard the appeals on 20.09.2007 and informed that he will issue a notice of hearing specifying the next date of hearing. While being so, the second respondent issued a letter dated 22.09.2007 cancelling the show cause notice dated 25.07.2007 and further the second respondent without jurisdiction passed provisional

assessment orders dated 24.09.2007, 25.07.2007, 24.09.2007 and 24.09.2007 respectively, against which, the present writ petitions have been filed.

3.The learned counsel for the petitioners would submit that this Court, earlier, has passed conditional order directing the petitioners to pay 50% of the amount to be paid by them and further submitted that the petitioners have complied with the said order. He also produced a copy of the letter dated 06.06.2019, from The Assistant Executive Engineer, O & M, TANGEDCO, Pallipalayam addressed to The Standing Counsel for TANGEDCO, wherein, the following details are given:

S. No.	Name of the Party	W.P.No.	S.C. No. Tariff	Compounding Amount	Extra levy	Collected	Balance to be collected
1	M.Balakrishnan	32286 of 2007	713 IIIA2 Live	Rs.35,000/-	1,04,309/-	35,000/- Pr.No.444642 Dt.19.07.07 25,000/- Pr.No.444643 Dt.19.07.07 39,700/- Pr.No.380324 Dt.18.10.07	39,609/-
2	R.Chellamuthu	32287 of 2007	333 IIIA2 Live	Rs.35,000/-	84,014/-	35,000/- Pr.No.444653 Dt.20.07.07 25,000/- Pr.No.444654 Dt.20.07.07 29,600/- Pr.No.380323 Dt.18.10.07	29,414/-
3	M.Balakrishnan	32288 of 2007	331 IIIA2 Live	Rs.35,000/-	1,08,343/-	35,000/- Pr.No.444644 Dt.19.07.07 25,000/- Pr.No.444645 Dt.19.07.07 41,700/- Pr.No.380322 Dt.18.10.07	41,643/-

S. No.	Name of the Party	W.P.No.	S.C. No. Tariff	Compo- unding Amount	Extra levy	Collected	Balance to be collected
4	P.Chellamuthu	32289 of 2007	202 IIIA2 Live	Rs.40,000/-	1,25,880/-	40,000/- Pr.No.444652 Dt.20.07.07 25,880/- Pr.No.444656 Dt.20.07.07 50,000/- Pr.No.380321 Dt.18.10.07	50,000/-

4.The learned counsel for the petitioners would further submit that liberty may be granted to the petitioners to raise objections before the second respondent as per Clause 5 of the assessment order.

5.The learned Standing Counsel appearing for the respondents conceded the request made by the learned counsel for the petitioners.

6.In view of the above, the petitioners are granted liberty to file objections, if any, within a period of one week from the date of receipt of a copy of this order. The second respondent is directed to receive the objections, if any, filed by the petitioners and pass fresh order within a period of four weeks thereafter.

7. With the above directions, the writ petitions are disposed of.
No costs. Consequently, the connected miscellaneous petitions are closed.

07.06.2019

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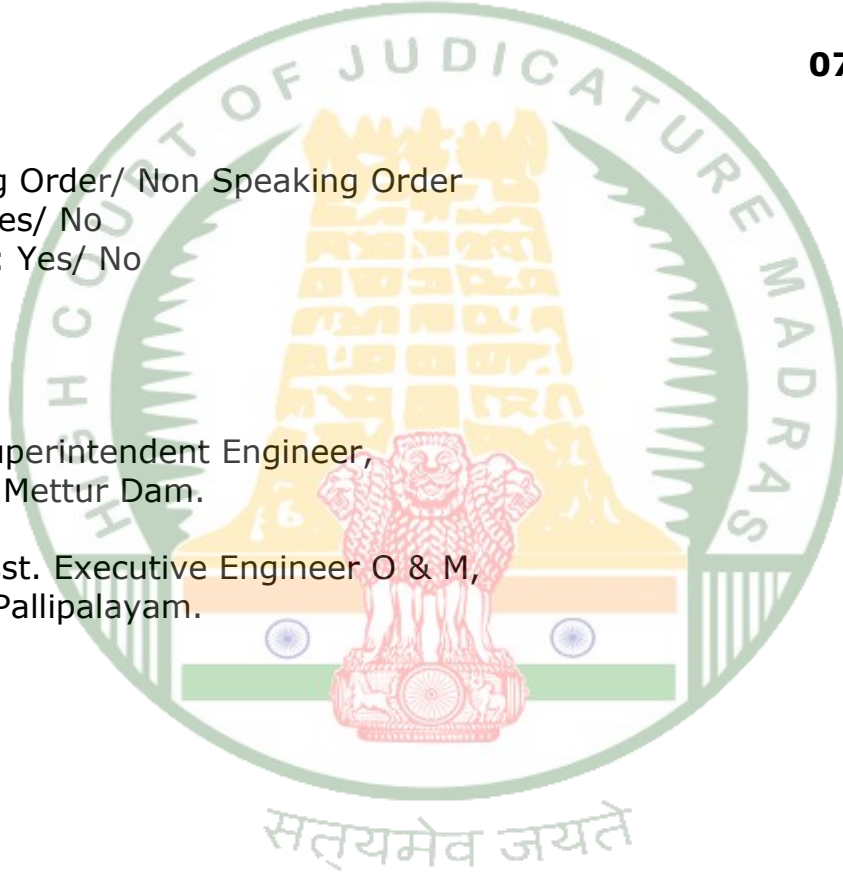
Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

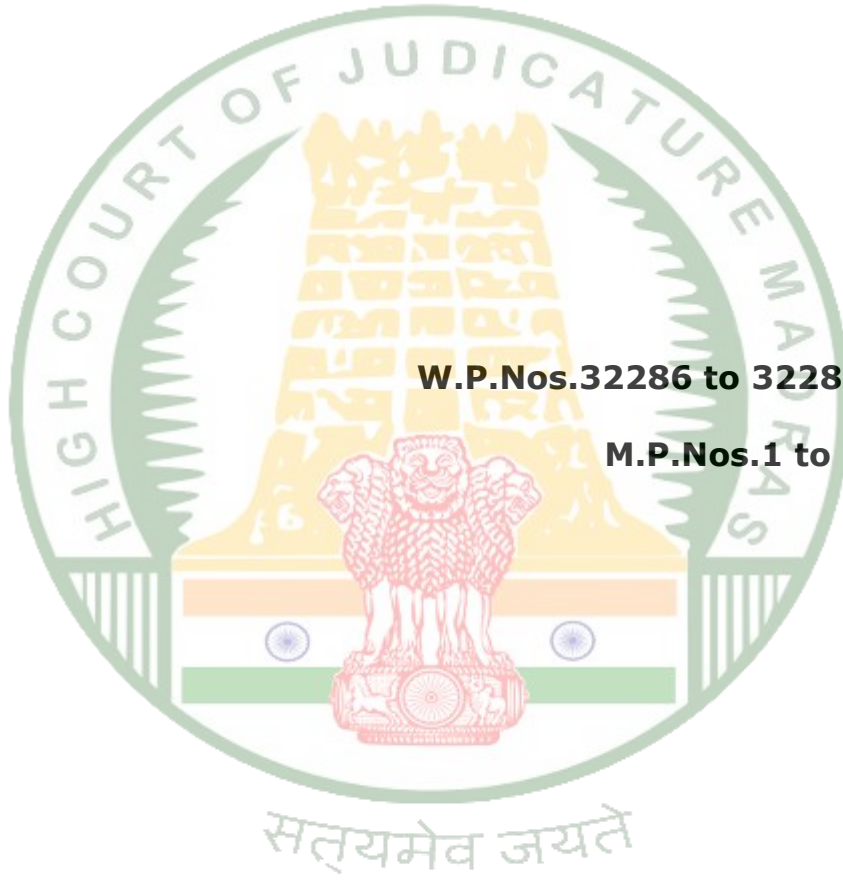
To

1. The Superintendent Engineer,
TNEB, Mettur Dam.
2. The Asst. Executive Engineer O & M,
TNEB Pallipalayam.



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M.DHANDAPANI,J.
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