



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30412 of 2008

C.R.Jayashankar

...Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Cuddalore.

2.The Assistant Executive Engineer
O&M)/Town/South,
Tamil Nadu Electricity Board,
Cuddalore - 607 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the 2nd respondent dated 17.12.2008 in Lr.No.AEE/O&M/T/S/CUD/CI/ E.Theft/D.No.505/2008 and quash the same and consequently direct the respondents to restore the electricity supply to the petitioner's service connection No.765/V,BSD Distribution.

For Petitioner : Mr.R.Syed Mustafa

For Respondents : Mr.M.Varunkumar
Standing Counsel for TNEB

O R D E R

The petitioner has filed this writ petition, challenging the order dated 17.12.2008 of the second respondent and consequently direct the respondents to restore the electricity supply to the petitioner's service connection No.765/V,BSD Distribution.

2. The matter relates to theft of electricity. The petitioner has paid the compounding fee and after receipt of the same, the provisional assessment order was passed. As against which, the present Writ Petition is filed.

3. The learned Standing Counsel for the Electricity Board would submit that this Writ Petition is covered by an order of the Division Bench of this Court in W.A.No.1808 of



2009, etc. batch dated 08.04.2019 [M/s.Emkay Alloys (P) Ltd., vs. The Executive Engineer].

4. The learned counsel for the petitioner would submit that though the petitioner has paid the compounding fee, the present impugned notice is only a civil liability and hence, this Court may permit the petitioner to pay the amount without belated payment charges and any penal interest within a reasonable time.

5. In view of the said request made by the learned counsel for the petitioner, this Court is inclined to grant time to the petitioner to pay the demand amount to the respondents, within a period of six weeks from the date of receipt of a copy of this order, without any belated payment charges and penal interest.

6. With the above direction, this Writ Petition is disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Cuddalore.

2.The Assistant Executive Engineer
O&M)/Town/South,
Tamil Nadu Electricity Board,
Cuddalore - 607 002.

+lcc to Mr.M.Varunkumar, Advocate, S.R.No.53287
+lcc to Mr.R.Syed Mustafa, Advocate, S.R.No.52499

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LN(CO)

RRS (07/08/2019)