



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32714 of 2004

and

W.P.M.P.No.39611 of 2004

M/s.Golden Plastics
rep.by its Proprietor
S.Mohammed Sahib
Chennai-600 001.

..Petitioner

vs

1. The Superintending Engineering
C.E.D.C./Central, T.N.E.B.
S.S.Complex, Valluvar Kottam
Chennai-600 034.

2. The Executive Engineer/O&M
Tamil Nadu Electricity Board
Anna Salai: 6 Lafond Street
Chintadripet.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the records of the 1st respondent pertaining to Order in Letter No.SE/CEDC/C/AEE/G1/T1/F.DOC/D2505/04 dated 02.11.2004, quash the same and consequently forbearing the respondents from in any way proceeding with the said order of the 1st respondent either by collecting the amounts or by interfering with the petitioner's peaceful enjoyment of Power through the Service Connection Account Nos.104-20-533, 104-20-544 and 104-20-534 provided to premises bearing Door No.6 Anderson Street, Chennai-1.

For Petitioner

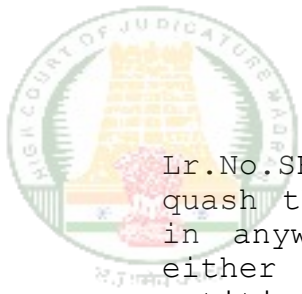
: Mr.K.Goviganesan

For Respondents

: Mr.P.R.Dhilipkumar

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to Order in



Lr.No.SE/CEDC/C/AEE/GL/T1/F.Doc/D2505/04 dated 02.11.2004 and quash the same and consequently forbearing the respondents from in anyway proceed with the said order of the 1st respondent either by collecting the amounts or by interfering with the petitioner's peaceful enjoyment of power through the service connection Account Nos.104-20-533, 104-20-544 and 104-20-534 provided to premises bearing Door No.6 Anderson Street, Chennai-600 001.

2. The case of the petitioner is that the petitioner is the owner of a firm located at No.16, Anderson Street, Chennai. The petitioner has obtained three service connections under Account Nos.104-20-533 (provided to Thiru.L.Sukumar), 104-20-544 (Thiru.Palanisamy), and 104-20-534 (S.Mohammed Sahib). The petitioner has paid the consumption charges regularly.

3. On 03.06.2004, the Flying Squad team from the Electricity Board inspected three service connections without any prior notice to the petitioner. After inspection, they lodged a case of energy theft in respect of only A/C Nos.104-20-533 and 104-20-544. The case was that Top Mounting Clamp of the Meters in both connections were broken. The petitioner was threatened by the respondents to pay compounding charges, else, a criminal case would be lodged against him and the shop would be seized. The Squad collected amounts as compounding charges for A/C Nos.533 and 544 and also first installment of extra levy. The 2nd respondent issued the petitioner an assessment notices under Lr.Nos.EE/O&M/AS/AE/CAUP/F.TOE/D.No.1142/04 and 1143/04 dated 03.06.2004 in respect of two service connections, calling upon the petitioner to pay an Extra levy of Rs.16,373/- & Rs.46,074/- in 5 monthly installments. The petitioner gave explanation dated 10.06.2004 and requested to drop the cases. But, the 2nd respondent, in his letters Lr.Nos.EE/O&M/AS/AE/CAUP/F.TOE/D.No.1245/04 and 1244/04 dated 22.06.2004 confirmed his earlier order without giving any proper justification and called upon the petitioner to pay the amounts as levied above. Challenging the above impugned order, the present writ petition is filed.

4. The learned counsel for the petitioner would submit that on 03.06.2004, the flying squad team from the Electricity Board inspected three service connections without any prior notice to the petitioner. After inspection they foisted a case of Energy theft in respect of only A/c Nos.104-20-535 and 104-20-544. The learned counsel further submitted that without going into the merits of the case, the petitioner may be permitted to pay the balance amount without any belated payment charges or penal interest.



5. The learned counsel for the respondent/Board has contended that the petitioner is liable to pay an extra levy of Rs.16,373/- & Rs.46,074/- in 5 monthly installments. The learned counsel for the respondents would further submit that based on the Assessment Reports, the respondent/board stated that there was theft of energy in respect of two service connections and ordered the petitioner to pay an extra levy of Rs.16,373/- and Rs.46,074/- in 5 monthly installments. But the petitioner has paid only a sum of Rs.18,574/- towards extra levy out of assessed amount of Rs.46,074/- for A/C No.104-20-533/V and Rs.7,373/- out of assessed amount of Rs.16,373/- for A/c No.104-20-544/V and the remaining amount was yet to be paid by the petitioner.

6. From the above lines, the petitioner is liable to pay the remaining amount without any delay. I am inclined to grant liberty to the petitioner to pay the balance amount within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssb

To

1. The Superintending Engineering
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2. The Executive Engineer/O&M
Tamil Nadu Electricity Board
Anna Salai: 6 Lafond Street
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+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 52731.

+1 CC to Mr.T.K.S. Gandhi, Advocate sr 52756.

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NMI (CO)
SP(01/08/2019)