



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.07.2019

C O R A M

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.20704 of 2010
and
M.P.No.1 of 2010

N.Paramasivam

..Petitioner

Vs.

1.Assistant Executive Engineer
Operation and Maintenance
Tamil Nadu Electricity Board
Elachipalayam 637 202

2.Executive Engineer
Operation
230, KVSS, Unjanai
Tiruchengode Taluk
Namakkal District

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records comprised in the proceedings of the First Respondent in his Rc.No.AEE/O & M/EP/Code Violation / S.No.353/10 dated 04.09.2010 and quash the same.

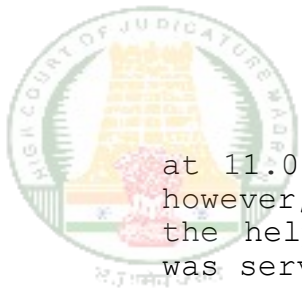
For Petitioner : Mr.M.Sivavardanan

For Respondents : Mr.S.K.Rameshwar

O R D E R

The petitioner filed this Writ Petition, to issue a Writ of Certiorari, to call for the records comprised in the proceedings of the First Respondent in his Rc.No.AEE/O & M/EP/Code Violation / S.No.353/10 dated 04.09.2010 and quash the same.

2.The case of the petitioner is that the petitioner is enjoying agricultural service connection bearing No.189-004-260/IV/10HP which was effected in his name on 19.04.1994. While that being so, the Assistant Executive Engineer/APTS-Salem and his team along with Assistant Executive Engineer, Elachipalayam had jointly inspected the said service connection on 11.05.2010



at 11.00 hours with prior notice to the wife of the petitioner, however, she refused to receive the notice. Thereafter, with the help of Village Administrative Officer, Minnampalli, notice was served to the wife of the petitioner.

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3. During inspection, with the help of tong tester, it was noticed 15 HP electric motor connected with S.C.No.260. After completion of inspection, the Field Inspection Report was given to the wife of the petitioner and she refused to receive the same. With the help of the Village Administrative Officer, Minnampalli Panchayat, the inspection report was pasted on the door of the service connection.

4. Finding excess usage of 5 HP, extra levy was calculated at Rs.3600/- for the violation due to unauthorized use of electricity under Section 126 of Electricity Act, 2003 in Ex.SC.No.260, TF-IV, Periakallupalayam Distribution. Along with provisional assessment, the extra levy amount of Rs.3600/- was intimated to the petitioner on 15.05.2010. However, the petitioner refused to pay the excess usage of load on 17.05.2010. The final Assessment Report was sent on 19.06.2010. Thereafter, the petitioner paid Rs.1800/- [50% of the extra levy amount] and filed appeal before the Executive Engineer. The Appellate Authority passed the final order, confirming the usage of excess 5 HP in the connected load and asked the petitioner to remove the excess load and pay the remaining extra levy amount by a letter dated 17.08.2010. The Appellate Authority disposed of the appeal with a direction that the respondent shall adopt a fresh proceeding under Section 5 of Sub Section 3 of Tamilnadu Electricity Supply Code.

5. The learned counsel for the petitioner would submit that the petitioner deposited the entire amount demanded as per the final Assessment Order and that the respondent may be directed to update the sanctioned load for the service connection enjoying by the petitioner in terms of Circular dated 18.01.2018 by the Chief Engineer/ Distribution, Erode Region, Erode.

6. The learned Standing Counsel appearing for the respondents/TANGEDCO would submit that the petitioner paid the entire amount demanded in the impugned proceedings. Therefore, the petitioner may be permitted to send an application to update the sanctioned load in favour of the agriculture service to the Executive Engineer and after the receipt of the application, the said authority will consider the same.

7. Since the petitioner paid the entire amount demanded, there is no any further adjudication in the present writ petition. However, pending the writ petition, the Chief



Engineer, Distribution, Erode Region, Erode, issued a Circular dated 18.01.2018, to update the sanctioned load in favour of the agriculture consumers - Category Tariff IV. Therefore, liberty is granted to the petitioner to file an application for updating sanctioned load of agriculture service under Tariff IV before the competent authority and the same shall be considered by the concerned authority in accordance with law.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VI)

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Sub Assistant Registrar

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To

1. Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Elachipalayam 637 202.

2. Executive Engineer Operation,
230, KVSS, Unjanai,
Tiruchengode Taluk,
Namakkal District.

+1cc to Mr. M. Sivavarthan, Advocate, S.R.No. 64478

W.P.No. 20704 of 2010
and
M.P.No. 1 of 2010

SJ(CO)

RRS (07/08/2019)