

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Wednesday, the 18th day of December, 2019

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by
The Hon'ble Mr.JUSTICE S.K.KRISHNAN (Retd.)

and

Member

Mr.J.D.Rukmangathan (Chief Judicial Magistrate (Retd.))

W.P.No.30191 of 2013

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the entire records in connection with the impugned proceedings of the 1st respondent in his Letter No.Se.Po/Va/Ka/Vu.Po/K.Salammal/No.028/13 dated 19.10.2013 and quash the said proceedings dated 19.10.2013 including disconnection of the electricity of the petitioner's Service Connection LTCB No.243 at the premises bearing door No.43-C, Vilakadi Koil Street, Kancheepuram.

S.Sampath

... Petitioner

Vs.

1. The Superintending Engineer
Tamil Nadu Electricity Board
(Distribution Circle)
Anna Maaligai, Oli Mohamedpettai
Kancheepuram.
2. The Executive Engineer
Tamil Nadu Electricity Board
(Operation and Maintenance) (North)
Kancheepuram Town
Kancheepuram.
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board
Kancheepuram Town
Kancheepuram.

... Respondents

When this case is taken up for hearing today, both the parties are present. Mr.N.Domessan, learned counsel representing M/s.M.Sriram, learned counsel appearing for the writ petitioner and Ms.G.Kiruthika, learned counsel representing Mr.P.Gunaraj, learned standing counsel for TANGEDCO (earlier TNEB) are present.

TERMS OF SETTLEMENT

This Writ Petition is being filed by the petitioner challenging the amount passed by the Tamil Nadu Electricity Board a sum of Rs.48,93,586/-. This amount calculated by the Electricity Board for the theft of electricity by the writ petitioner, covering the period from 22.04.1999 to October 15, 2015. This amount also included the Belated Payment Surcharge (BPSC) and penalty.

2. Initially one another Writ Petition filed by the petitioner in W.P.No.8783 of 1999 challenging the order of the Tamil Nadu Electricity Board to pay a sum of Rs.14,88,933/-. While disposing the petition, the Hon'ble High Court directed the Tamil Nadu Electricity Board to conduct a fresh enquiry regarding the assessment of the theft of electricity. It is stated by the writ petitioner that pending the disposal of earlier writ petition in W.P.No.8783 of 1999 before the Court, the writ petitioner has already paid a sum of Rs.1,48,950/- towards the assessment charges demanded by the Electricity Board. After the fresh enquiry conducted by the Tamil Nadu Electricity Board, the Electricity Board issued a notice to the writ petitioner to pay a sum of Rs.48,93,586/-. While admitting the said writ petition, the Hon'ble High Court passed an interim order directing the writ petitioner to pay a sum of Rs.6,70,000/- towards the assessment of the theft of electricity charges. It is stated that that amount has already been paid by the petitioner. Taking into consideration of the amount so far paid by the petitioner a sum of Rs.8,18,950/-, both parties decided to compromise the matter on the basis of settlement arrived between the parties. In this circumstances, on the basis of representation made by the parties before the Hon'ble High Court, this Writ Petition is being referred to this Lok Adalat for amicable settlement.

3. When this petition is taken up for hearing today, learned counsel appearing for the writ petitioner would submit that both parties agreed to dispose this matter by way of entering into a compromise formula. It is settled that a sum of Rs.10,00,758/- is being the total amount settled between the parties. The officials representing Tamil Nadu Electricity Board as well as the learned counsel appearing for the writ

petitioner stated before this Court that the said amount is being accepted by both parties. Taking into consideration of the amount, a sum of Rs.8,18,950/- was already paid, a balance amount a sum of Rs.1,81,808/- has to be paid by the writ petitioner to the Tamil Nadu Electricity Board. It is stated by the learned counsel appearing for the writ petitioner that as per the order of the Hon'ble High Court, Belated Payment Surcharge (BPSC) have already been waived and that amount has not been taken into consideration for arriving a settlement in this case.

4. Taking into consideration of the assessment amount demanded by the Tamil Nadu Electricity Board, a sum of Rs.8,18,950/- has already been paid by the writ petitioner, the balance amount a sum of Rs.1,81,808/- has to be paid by the writ petitioner to the Tamil Nadu Electricity Board. The balance amount a sum of Rs.1,81,808/- has to be paid by the writ petitioner to the Tamil Nadu Electricity Board on or before 31.01.2020.

5. This Writ Petition is being disposed of with the terms and conditions stated above.

Sd/-
S.Sampath

Sd/-
Counsel for the writ petitioner

Sd/-
1. The Superintending Engineer

Sd/-
2. The Executive Engineer

Sd/-
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board
Kancheepuram Town
Kancheepuram.

Sd/-
Counsel for the respondents

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the writ petitioner in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the

Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Superintending Engineer
Tamil Nadu Electricity Board
(Distribution Circle)
Anna Maaligai, Oli Mohamedpettai
Kancheepuram.
2. The Executive Engineer
Tamil Nadu Electricity Board
(Operation and Maintenance) (North)
Kancheepuram Town
Kancheepuram.
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board
Kancheepuram Town
Kancheepuram.

The parties/Advocate concerned

Copy to:

1. The Secretary, High Court Legal Services Committee, Chennai.
2. The Section Officer,
V.R.Section, High Court, Madras.
3. The Section Officer,
Lok Adalat Section, High Court, Madras. + 2 Copies

+1cc to Mr.P.Gunaraj, Advocate, S.R.No. 105864

W.P.No.30191 of 2013

RSI (CO)
GN(27/01/2020)