



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.2986 of 2019

and

WMP (MD) Nos.2234 & 2235 of 2019

R.V.Veeramani

... Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO,
Operation and Maintenance,
Manaparai, Trichy District.

2.The Assistant Executive Engineer,
TNEB/TANGEDCO, Operation and Maintenance,
Manaparai, Trichy District.

3.The Assistant Executive Engineer,
TANGEDCO, (Enforcement),
Trichy District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 29.01.2019 and quash the same and consequently direct the respondents to restore the service connection.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.S.M.S.Johnny Basha

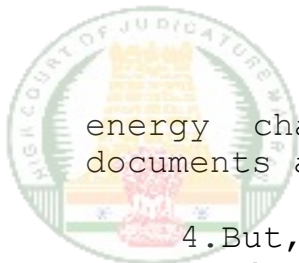
ORDER

Heard the learned counsel on either side.

2.The petitioner questions the impugned order whereby he has been called upon to remit a sum of Rs.3,15,480/- towards compensation for having committed theft of electricity.

3.The learned counsel appearing for the writ petitioner drew my attention to the final assessment order dated 17.10.2018 passed by the second respondent. Paragraph No.4 of the said order reads as follows :

"On a detailed examination and on consideration of your explanation offered, facts and records furnished in your letter/during the personal hearing it is found that the theft of electricity has been committed by you as described below :- . The documents submitted by you for request to reduction of theft of



energy charges were completely examined and found that given documents are not adequate.'

4. But, no such description has actually been set out in that paragraph. The petitioner's explanation dated 11.10.2018 has also been not considered. Thus, the second respondent has passed an order in a stereo typed format. Therefore, the order dated 17.10.2018 passed by the second respondent as well as the consequential order dated 29.01.2019 passed by the third respondent stand set aside. The matter is remitted to the file of the second respondent to pass orders on merits and in accordance with law after duly considering the writ petitioner's explanation.

5. This writ petition is allowed. The petitioner shall also be given an opportunity of personal hearing before passing orders. The respondents are directed to effect electricity re-connection subject to the usual formalities. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-iii)

// True Copy //

Sub Assistant Registrar (CS)

To

sp/05.04.2019/2p/1c

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