



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30824 of 2014
and M.P.No.1 of 2014

Sri Tulasi Mills,
No.257/2, Ezhil Nagar,
Begapalli Post, Hosur-635126
Rep. by its Proprietrix
Smt.Suchitra T.Murali

...Petitioner

Vs.

The Asst. Executive Engineer/Distribution,
Tamil Nadu Generation & Distribution
Corporation Ltd.,
Sipcot, Hosur.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned additional levy notice dated 13.11.2014 issued by the respondent and quash the same and consequently direct the respondent to restore service connection in Service Connection No.065-002-1456/IIIB to the petitioner's Mill at No.257/2, Ezhil Nagar, Begapalli Post, Hosur-635126 within a time frame.

For Petitioner : Mr.M.D.Thirunavukkarasu
For Respondent : Mr.M.Varunkumar
Standing Counsel

O R D E R

Heard Mr.M.D.Thirunavukkarasu, learned counsel for the petitioner and Mr.M.Varunkumar, learned counsel for the respondent.

2.The petitioner has challenged the provisional assessment order passed by the respondent on the allegation of theft of electrical energy. As against the provisional assessment order, the petitioner can very well submit his objections. Therefore, this Court is of the view that the present writ petition is premature. However, one factor which this Court cannot approve in the provisional assessment order is the computation. In the provisional assessment order, the meter reading has been shown as 59.965 which is multiplied by 0.8/1.0, further multiplied by



24 and further multiplied by 365. The multiplication factor, namely, 24 denotes 24 hours in a day and 365 denotes 365 days in a year.

3.The learned Standing Counsel for the respondent Board defends such computation stating that is in accordance with the regulations. The regulations provided for power to calculate the consumption charges where illegal abstraction of energy takes place. However, the Assessing Officer should take note as to whether there is a possibility of the industrial unit to run for 24 hours in a day and 365 days in a year. In fact, if the petitioner is running his industry in such a fashion, they would be violating various labour laws. Therefore, this computation should be revised and the actual working hours of the petitioner shall be reckoned.

4.With the above observation, the writ petition is disposed of by directing the petitioner to submit his objections to the provisional assessment order within a period of thirty days from the date of receipt of a copy of this order and on receiving the objections, the respondent shall consider the objections on merits and also take note of the directions issued in this writ petition with regard to the period of computation and pass orders on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner. Till final orders are passed, the electricity service connection shall not be disconnected and the petitioner shall pay the current consumption charges without default. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

cse

To

The Asst. Executive Engineer/Distribution,
Tamil Nadu Generation & Distribution
Corporation Ltd.,
Sipcot, Hosur.

+1 CC to Mr.M.D.Thirunavukkarasu, Advocate sr 1067

+1 CC to Mr.M.Varunkumar, Advocate sr 1185

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LN(CO)

SP(10/01/2020)