



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.1733 OF 2012

T.Mohalingam

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai -2.
2. The Superintendent Engineer,
Tamil Nadu Electricity Board
Distribution Circle (South),
Anna Salai, Chennai -2.
3. The Assistant Executive Engineer,
O & M/CEDC South,
Kundrathur, Chennai - 69.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the third respondent's order made in Ka.No./Oo.Se.Po/ E& Pa/ Kundrathur/Ka Thani/No.315 dated 2.12.2011/ 5.12.2011 to quash the same.

For Petitioner : M/s.N.R.Jasmine Padma

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO

ORDER

The Assessment order dated 05.12.2011 is under challenge in the present writ petition.

2. The assessment order has been passed by the respondents by conducting an inspection and identifying theft of energy in respect of the Electricity Connections provided in the premises of the writ petitioner.



3. The counter affidavit filed by the respondent reveals that S.C.No.234-27-356 was effected in the name of the petitioner under Tariff-III B (Industrial purpose) for the purpose of running his firm M/s.Kathiroli Pl6astics. The service connection was inspected by the third respondent along with the officials of the Anti Power Theft Squad of the respondent Board on 10.12.2001 at about 4.00 p.m., when the Indian Electricity Act, 1910 was in force.

4. Prior to the said inspection, a notice was caused on the petitioner intimating the intention to inspect the premises and requesting him to extend his co-operation for the same.

5. During the course of inspection, the authorities found theft of energy by direct tapping from the respondent's overhead lines, was detected. The modus operandi was that a three phase cable within (7/18PVC Aluminum Cable) was directly connected to the respondent's overhead lines and the other end was connected to the main switch, thereby passing the energy meter, so as to not to record the energy consumed for various motors and heater loads. Therefore, the authorities competent assessed the consumption charges and issued the impugned order.

6. The learned counsel for the petitioner made a submission that the petitioner is no more. Under these circumstances, this Court is of an opinion that the assessment order require an elaborate adjudication with reference to the facts and circumstances and thus, the legal heirs of the petitioner has to approach the competent Appellate authority for the purpose of adjudication of the issues on merits and in accordance with law. Accordingly, the legal heirs of the petitioner are at liberty to approach the Appellate authority for adjudication of the disputed issues, if any, for the purpose of resolving these issues. In the event of filing any such appeal, the Appellate authority shall decide the case on merits and in accordance with law as expeditiously as possible.

7. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nti/kak



To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai -2.
2. The Superintendent Engineer,
Tamil Nadu Electricity Board
Distribution Circle (South),
Anna Salai, Chennai -2.
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W.P.No.1733 of 2012

KJ(CO)
RLP(30/12/2021)