



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NOS.5513 TO 5515 OF 2010

AND

M.P.NOS. 3 OF 2010 (2M.PS) AND 2 OF 2010

Arunachala Education & Environment
Development Trust,
Ayyampalayam,
Thiruvannamalai District,
Rep. by the Managing Trustee
Rev. Fr. Pancras

...Petitioner (in all W.Ps)

Vs.

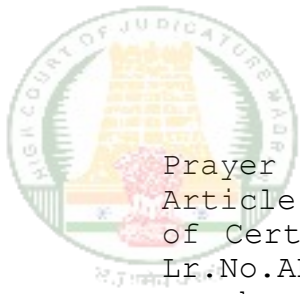
1.Tamil Nadu Electricity Board,
Electricity Avenue,
No.800, Annasalai,
Chennai - 600 002.
Rep. by its Chairman

2.The Assistant Executive Engineer
Operation & Maintenance West,
Thiruvannamalai Electricity
Distribution circle,
Thiruvannamalai.

...Respondents (in all W.Ps)

Prayer in W.P.No.5513 of 2010 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent in Lr.No.AEE/O&M/WEST/TL/ F.16/D.187/2009-2010/dt. 24.02.2010 and quash the same as illegal, arbitrary and as against the provisions of the Electricity Act, 2003 and the Regulations of the Supply Code, 2004.

Prayer in W.P.No.5514 of 2010 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent in Lr.No.AEE/O&M/WEST/TL/ F.16/D.186/2009-2010/dt. 24.02.2010 and quash the same as illegal, arbitrary and as against the provisions of the Electricity Act, 2003 and the Regulations of the Supply Code, 2004.



Prayer in W.P.No.5515 of 2010 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent in Lr.No.AEE/O&M/WEST/TL/ F.16/D.185/2009-2010/dt. 24.02.2010 and quash the same as illegal, arbitrary and as against the provisions of the Electricity Act, 2003 and the Regulations of the Supply Code, 2004.

For Petitioner : Mr.D.Nellaiappan
(in all W.Ps)

For Respondents : Mr.L.Jai Venkatesh
[For TANGEDCO]
(in all W.Ps)

COMMON ORDER

The provisional assessment order is under challenge in the present writ petitions.

2. The petitioner is a Trust and provided with the Electricity Service Connection. During inspection the Electricity Board Authorities found that an offence of theft of energy had been committed by directly tapping the energy through starter switch for the usage of domestic purpose.

3. Accordingly, the inspection report was filed by Enforcement/Villupuram and consequently, provisional assessment orders have been passed. If at all the petitioner has got any objection in respect of the allegation or report of the Enforcement, the petitioner is to submit an objection and in the event of filing any such objections, the same is to be considered by the authorities and final assessment orders are to be passed. Even if the final assessment orders are passed and the demand notice is issued, then the petitioner has to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code. Contrarily, High Court cannot adjudicate such disputed issues in an elaborate manner. Issues are to be considered with reference to the documents and evidences made available.

4. Regarding the allegation of theft of energy, the offence may be compounded and even for compounding of offence the petitioner has to approach the authorities. In the event of raising objection, then the issues are to be adjudicated before the Competent Forum. However, writ Court cannot conduct an elaborated enquiry in such issues relating to the consumption charges as well as the provisional assessment orders.



5. In view of the fact that the present writ petitions have been filed challenging the provisional assessment orders, the petitioner is at liberty to approach the authorities competent and thereafter, approach the Consumer Grievances Redressal Forum for the purpose of adjudication of issues. However, this Court is of an opinion that the writ petition is premature and the issues raised cannot be adjudicated on merits in a writ proceedings.

6. With these observations, the Writ Petitions stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

Jeni/Cse

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
Electricity Avenue,
No.800, Annasalai,
Chennai - 600 002.
- 2.The Assistant Executive Engineer
Operation & Maintenance West,
Thiruvannamalai Electricity
Distribution circle,
Thiruvannamalai.

+3ccs to Mr.D.Nellaiappan, Advocate SR.No.65906 to 65908

W.P.Nos.5513 to 5515 of 2010

VG-II(CO)
RVM(30/12/2021)