



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28457 of 2011
and
M.P.Nos.1 & 2 of 2011

M/s.V.K.N.Guest House,
Rep. By its Proprietor, M.Basheer Mohamed,
Old No.43 & 44, New No.89,
Big Street, Triplicane,
Chennai - 600 005.

.. Petitioner

..Vs..

1.The Chairman, TANGEDCO,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 600 002.

2.The Asst. Executive Engineer,
O&M, CEDC/Central,
800, Anna Salai,
Chennai-600 002.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to 2nd Respondent's Final Assessment Order Lr.No.AEE/OUm/A-Sat/F/Theft or Energy/D.No.247/2011 dated 16.11.2011 and consequent notice of disconnection of electricity in Lr.No.AEE/O&M/A.Salai/F.Theft of Energy/D.No.253/11 dated 02.12.2011 issued by the 2nd Respondent, quash the same.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for TANGEDCO

O R D E R

The final assessment order dated 16.11.2011 and consequent notice of disconnection of electricity issued in proceedings dated 02.12.2011 are under challenge in the present



writ petition.

2.The case of the petitioner is relating to theft of energy. The authorities during inspection identified that the petitioner illegally consumed electricity to a larger extent and initiated action. The electricity consumption was assessed and the petitioner was directed to pay a sum of Rs.7,92,433/-.

3.The learned counsel for the respondent Board made a submission that the said amount has not been paid. Thus, the respondent initiated action and issued notice for disconnection of electricity in the premises of the writ petitioner. At that point of time, the petitioner has paid a sum of Rs.3,96,220/- and the balance amount is yet to be paid along with the interest.

4.This Court is of the considered opinion that in case of theft of energy, if the person, against whom such an allegation is made, is bound to settle the consumption charges and if at all any dispute arises, he has to approach the competent authority for the purpose of resolving the issues. Contrarily by filing a writ petition and without paying the consumption charges, as determined by the respondent Board, the petitioner cannot prolong the time. The writ petition is pending for the past 10 years. The allegation against the petitioner was theft of energy. The petitioner has paid a sum of Rs.3,96,220/-, out of the total amount determined by the respondent Board which is Rs.7,92,433/-. This being the factum established, the writ petitioner is not entitled for any relief and he has to pay the balance charges as demanded by the respondent board, failing which the respondent board is bound to initiate appropriate action against the petitioner.

5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vs



To

1.The Chairman, TANGEDCO,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

2.The Asst. Executive Engineer,
O&M, CEDC/Central,
800, Anna Salai,
Chennai-600 002.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.62095

W.P.No.28457 of 2011 and
M.P.Nos.1 & 2 of 2011

RSI(CO)
GN(13/12/2021)