



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.34929 OF 2015

AND

M.P.NO.1 OF 2015

1. Nachiyappan
2. Murugesan ... Petitioners

.Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai - 2.
2. The Superintending Engineering
Tamil Nadu Electricity Distribution
Corporation (General)
Tamil Nadu Electricity Board,
Krishnagiri.
3. The Executive Engineer,
Operative and Maintenance,
Tamil Nadu Electricity Distribution Corporation,
Krishnagiri.
4. The Assistant Executive Engineer
Tamil Nadu Electricity Production &
Distribution Corporation
Krishnagiri. ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 4th respondent herein Letter No. U.Se.Po/E&Pa/Ki/Ki.Kiri/Ko: Minthiruttu/En 152/15, dated 28.09.2015 and to quash the same and consequently direct the third respondent to repay the compoundable fee collected from the petitioner.



WEB COPY

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel
TNEB/TANGEDCO

O R D E R

The assessment order issued with reference to the allegation of theft of energy in proceeding dated 28.09.2015 is under challenge in the present Writ Petition.

2. The authorities competent of the TANGEDCO, during inspection found that there was a theft of energy with reference to the electricity service connection provided in the premises of the petitioner. Accordingly, they have assessed the consumption of electricity based on the provisions of the Act and accordingly, issued the impugned order.

3. Though the learned counsel for the petitioner states that the petitioner has not stolen the energy. Such an adjudication with reference to the dispute cannot be done in a writ proceedings. As per the rules, during inspection, they found, it is theft of energy. If at all the petitioner deny the same, it is to be established through documents and evidences.

4. The assessment order once passed, then the parties are bound to respond to the assessment order by settling the amount and prefer an appeal before the competent forum for adjudication of issues. Contrarily, writ Court cannot venture into the disputed facts and circumstances, which requires scrutinisation of documents in original and the evidences. Irrespective of theft of energy compounding of offence also can be made under Section 152 of the Electricity Act. Thus it is for the petitioner to defend his case in the manner known to law.

5. In this regard, the petitioner is at liberty to approach the appellate authority under Section 156 of the Electricity Act before the appellate authority for adjudication of issues. In the event of filing an appeal, the delay during which the writ petition was pending before this Court is to be condoned, if any application is filed to that effect. The issues are to be decided on merits and in accordance with law as expeditiously as possible.



6. With this liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai - 2.
2. The Superintending Engineering,
Tamil Nadu Electricity Distribution
Corporation (General),
Tamil Nadu Electricity Board,
Krishnagiri.
3. The Executive Engineer,
Operative and Maintenance,
Tamil Nadu Electricity Distribution Corporation,
Krishnagiri.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Production &
Distribution Corporation,
Krishnagiri.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.67611

W.P.NO.34929 OF 2015 AND
M.P.NO.1 OF 2015

CP(CO)
PBS/03/01/2022