



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.Nos. 40896 & 40897 of 2015

And

M.P.Nos. 1, 1 of 2015

M.Ganesan ... Petitioner in both W.Ps.
Vs.

1. The Superintending Engineer
Tamil Nadu Electricity Board
Cuddalore District, Cuddalore.
2. The Executive Engineer (O&M)
Tamil Nadu Electricity Board
Chidambaram.
3. The Assistant Executive Engineer
(O & M) Town
TANGEDCO, Chidambaram.
4. Junior Engineer (O & M)
Rural, Chidambaram ... Respondents in both W.Ps.

PRAYER IN W.P.No. 40896/2015 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order dated 09.11.2015 in Letter No. AEE/CDM/F.THEFT/D.No. 321/15-16, passed by the 3rd respondent under Section 135 of the Electricity Act, 2003 for the offence of Theft of Energy without following the procedures and provisions contained in the said Act and quash the same.

PRAYER IN W.P.No. 40897/2015 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order dated 09.11.2015 in Letter No. AEE/CDM/F.THEFT/D.No. 322/15-16, passed by the 3rd respondent under Section 135 of the Electricity Act, 2003 for the offence of Theft of Energy without following the procedures and provisions contained in the said Act and quash the same.

For Petitioner in
both W.Ps : Mr. K. Rajasekaran

For Respondents in
both W.Ps. : Mr.L.Jaivenkatesh
Standing Counsel TNEB/TANGEDCO



C O M M O N O R D E R

The assessment orders issued with reference to the allegation of theft of energy in proceeding dated 09.11.2015 is under challenge in these present Writ Petitions.

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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 orders.

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 orders once passed, then the parties are bound to respond to the assessment orders 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 petitions were pending before this Court is to be condoned, if any applications are 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, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1. The Superintending Engineer
Tamil Nadu Electricity Board
Cuddalore District, Cuddalore.

2. The Executive Engineer (O&M)
Tamil Nadu Electricity Board
Chidambaram.

3. The Assistant Executive Engineer
(O & M) Town
TANGEDCO, Chidambaram.

4. Junior Engineer (O & M)
Rural, Chidambaram

+2 ccs to Mr.R.Gokulakrishnan, Advocate Sr.NO. 66889, 66888

W.P.Nos. 40896 & 40897 of 2015

And

M.P.Nos. 1, 1, 2 & 2 of 2015

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A.SK (01.02.2022)