



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. 24768 of 2014
and
M.P.Nos. 1 and 2 of 2014

1. N.Muthusamy

2. S.Rajeswari

...Petitioners

Vs.

1. The Assistant Executive Engineer (O & M),
Tamil Nadu Generation and Distribution
Corporation,
Valasaravakkam, Chennai - 600 087.

2. The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation,
K.K.Nagar, Chennai - 600 078.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the records of the 1st respondent in AEE/ O&M/
Valasaravakkam/ F.Thefts/ dated 8.8.2014 and quash the same.

For Petitioners : Mr.Naveen Kumar Murthi

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO

ORDER

The Provisional Assessment order for theft of energy under
Section 135 of the Electricity Act, 2003 is under challenge in
the present writ petition.

2. Theft of energy was detected in the premises of the writ
petitioner and the provisional assessment order has been passed.

3. It is contended that the offence of theft of energy was
compounded by invoking Section 152 of the Electricity Act and



the petitioner has to settle the consumption charges as per the provisional assessment made by the Authorities competent. If at all the petitioner raises any objection in respect of the provisional assessment order for theft of energy, then the petitioner has to approach the competent Appellate authority under Section 127 of the Electricity Act for adjudication of disputed facts and circumstances. In the event of objections, adjudications are necessary, which is to be done with reference to the documents and evidences.

4. The petitioner has not yet paid the assessed electricity charges. Under these circumstances, it is left open to the writ petitioner to approach the Appellate authority for adjudication of the issues, if the petitioner raises any objections. In the event of filing any such appeal, the Appellate authority shall consider the period, during which, the writ petition was pending for the purpose of condonation of delay, if any application to condone the delay is filed.

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

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Assistant Executive Engineer (O & M),
Tamil Nadu Generation and Distribution
Corporation, Valasaravakkam, Chennai - 600 087.
2. The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation,
K.K.Nagar, Chennai - 600 078.

+1cc to Mr.Naveen Kumar Murthi, Advocate, S.R.No.68628

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.68101

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NR(CO)
SU(06/01/2022)