



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17613 of 2014

and

M.P.No.1 of 2014

K.Mani

...Petitioner

Vs

1. The Executive Engineer,  
Operation & Maintenance  
Tamilnadu Electricity Board,  
Harur Taluk, Dharmapuri District.
2. The Assistant Accounts Officer,  
Revenue Section,  
Tamilnadu Electricity Board,  
Harur, Dharmapuri District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in Ka.No.U.Ka.A/VaPi/A/KaMe/Ko.R.T/A.No.544/2012 dated 10.08.2012 and consequent notice dated 11.10.2012 on the file of the 2<sup>nd</sup> respondent quash the same.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.L.Jeivenkatesh  
Standing counsel  
[For TANGEDCO]

O R D E R

The order impugned is the Demand Notice to recover the Electricity Consumption charges.

2. An allegation of theft of energy was raised against the petitioner during the course of inspection by the competent



authorities of the Electricity Board. A Criminal Case ended with an order of acquittal and therefore, the respondent Board has initiated steps to recover the consumption charges. Demanding the Electricity Consumption Charges, the Demand Notice was issued in proceedings dated 10.08.2012, which is impugned in the present writ petition.

3. This Court is of the considered opinion that the consumption charges determined by the Board authorities require an adjudication on merits and in accordance with law and with reference to the documents and evidences. Such an elaborate adjudication cannot be undertaken by the High Court in a writ proceedings. Consumption charges determined are the disputed facts. Allegation against the petitioner was theft of energy. Mere acquittal in the criminal case would not exonerate the petitioner from payment of consumption charges. Acquittal is relatable to the offence of theft of energy and no way connected with the electricity consumed by the petitioner and therefore, the action taken by the respondents, determining the consumption charges cannot be faulted. Thus, the petitioner has to adjudicate the issues before the competent forum for resolving the same. Contrarily, such original proceedings cannot be adjudicated nor issues raised and disputed cannot be decided in the absence of documents and evidences.

4. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum under Regulation 18 of the Tamil Nadu Electricity Supply Code. In the event of submitting any application by the petitioner for condoning the delay, the period through which the writ petition was pending before the High Court to be taken into consideration for the purpose of condoning the delay. Rest of the issues are to be adjudicated on merits and in accordance with law and based on documents and evidences.

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

Sd/-  
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,  
Operation & Maintenance  
Tamilnadu Electricity Board,  
Harur Taluk, Dharmapuri District.
2. The Assistant Accounts Officer,  
Revenue Section,  
Tamilnadu Electricity Board,  
Harur, Dharmapuri District.

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KSM(CO)  
SU(06/12/2021)