



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29491 of 2014

Tmt.V.Mohanammal

... Petitioner

Vs

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
Anna Salai, Chennai - 600 002.
2. The Executive Engineer/O&M
Tamil Nadu Electricity Board,
11th Main Road, Anna Nagar,
Chennai - 600 040.
3. The Assistant Executive Engineer,
O&M/Chetpet/CEDC/West/TNEB
Mahalingapuram, Nungambakkam,
Chennai-600 034.

...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 Order of the 2nd Respondent in Proceedings No. Nil., dated 20.10.2014 relating to the Electricity Connection Nos.165-013-015, 165-013-016 of the Petitioner and quash the same.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For Respondents : Mr.Jaivenkatesh
For TANGED CO
For R1 to R3.

O R D E R

The assessment order passed by the second respondent/Executive Engineer in proceedings dated 20.10.2014 is under challenge in the present writ petition.



2. The allegation against the writ petitioner was tapping of electricity. The demand notice was initially issued and the petitioner filed W.P.Nos.14070 & 14071 of 2006. This Court passed an order dated 13.06.2014, setting aside the assessment order initially passed and directed the authorities to hold an enquiry by providing an opportunity to the writ petitioner and pass appropriate orders.

3. The grievances of the writ petitioner is that the enquiry was not conducted in consonance with the directions issued by this Court in the above writ petition. There are violations of the provisions of the Act. Further the fact remains that a show cause notice was issued to the writ petitioner and the writ petitioner also submitted an explanation on 12.09.2014. Based on the explanations and by considering the documents, the Executive Engineer/second respondent passed the impugned assessment order.

4. The learned counsel for the petitioner reiterated that the procedures followed were not proper and violation of the provisions of the Act and Regulations.

5. This Court is of the considered opinion that the respondents had issued a show cause notice pursuant to the directions issued by this Court and the petitioner also had submitted an explanation and based on that, the second respondent has passed an order. If at all the petitioner is aggrieved from and out of the said order, an appeal can be filed before the Appellate Authority under section 135 of the Act.

6. The grievances of the writ petitioner is that the Inspection report and the other documents sought for had not been furnished enabling the petitioner to defend his case.

7. This Court is of the opinion that such grounds may be raised before the Appellate Authority and even the Appellate Authority may furnish the records, enabling the petitioner to raise additional grounds and decide the matter on merits in accordance with law. The Appellate Authority is empowered to adjudicate all the issues based on the facts and by scrutinizing the original records and evidences. Therefore, if at all further opportunity is required, the Appellate Authority may provide all such opportunities, if it is admissible under the provisions of Act and Rules. It is needless to say that the petitioner is not entitled for confidential reports. Thus, the petitioner is at liberty to approach the Appellate Authority setting out the grounds as well as the facts and circumstances.

8. The learned counsel reiterated that the allegation against the petitioner is tapping of electricity and opportunity



had already been provided and further the petitioner has a right of appeal under the Act before the higher Authority.

9. In this view of the matter, the petitioner is at liberty to approach the appellate authority for the redressal of the grievances and in the event of filing any such appeal, the Appellate Authority shall consider the same and adjudicate the issues on merits and in accordance with law.

10. With these directions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
2. The Executive Engineer/O&M
Tamil Nadu Electricity Board,
11th Main Road, Anna Nagar,
Chennai - 600 040.
3. The Assistant Executive Engineer,
O&M/Chetpet/CEDC/West/TNEB
Mahalingapuram, Nungambakkam,
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NSK 11/01/2022