

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24583 of 2019
and W.M.P.No.24258 of 2019

U.Periya Nadar

... Petitioners

Vs.

1.The Assistant Executive Engineer,
(O&M) Tamil Nadu Electricity Board CEDC (North)
Tondiarpet, Chennai 81.

2.The Executive Engineer (O&M) Tamil Nadu,
Electricity Board CEDC (North),
705, T.H.Road, Tondiapet,
Chennai 600 081.

3.The Superintending Engineer, Tamil Nadu
Electricity Board, CEDC (North)
800 Anna Salai, Chennai 2.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents herein to consider the Representation of the petitioner dated 10.4.2019 and to resume the service of the electricity connections provided to the Petitioner vide E.B.NO 012.004.635 AND EB.NO 012.004.1215 and pass such any such similar or other order.

For Petitioner : No appearance

For Respondent : Mr.L.Jaivenkatesh
Standing Counsel (TNEB)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the Respondents herein to consider the Representation of the petitioner dated 10.4.2019 and to resume the service of the electricity connections provided to the Petitioner vide E.B.NO 012.004.635 AND EB.NO 012.004.1215 and pass such any such similar or other order.

2. The case of the petitioner is that on 10.04.2019, the petitioner made a representation to the respondents herein, stating that the petitioner is running a small scale business and for the same, he is having a electricity connection in his name and also another E.B. connection in the name of his wife. On 02.12.2013, the first respondent herein, removed the E.B. meter stating that they would provide the new digital meter and provided it after a period of four days and subsequent to that removed the E.B.Meter which was in the name of his wife stating that it is having some fault and need to check. After the same, on 06.12.2013, they have informed the petitioner that there is a hole in the meter box and appeared to have theft of energy and for which they were demanded to pay fine for the same. The petitioner, left with any other option, paid a total sum of Rs.1,00,000/- (Rs.50,000/- each) of the connection and paid a further sum of Rs.19,000/-. Even after receipt of the said sum, the respondents refused to provide the electricity connection. Thereafter the respondents demanded a further sum of Rs.4,48,687/- in respect of his service connection and Rs.4,50,301/- in respect of the service connection of his wife, due to which, the petitioner has stopped continuing the business as the respondents have refused to resume the electricity connections. Therefore, the petitioner has given representation to the respondents to resume the electricity connections provided to the petitioner in name of him and in the name of his wife, but till date no action was taken on the said representation. Aggrieved by the same, the petitioner is before this Court.

3. The learned Standing Counsel appearing for the respondents submitted that the petitioner has committed first theft in the year 2004 and theft amount was of Rs.7,93,558/- and has filed a Writ Petition in W.P.No.33059 of 2004 and paid Rs.2,00,000/- by way of direction of this Court. In the meantime, the petitioner has committed another theft in the year 2013 and due to which, the theft amount of Rs.14,78,010/- is pending on both service connection in the name of the petitioner as well as in the name of his wife. The petitioner has to pay the pending arrears charges together with BPSC charges and has to clear the dues. Further the learned Standing counsel submitted that the assessment proceedings were initiated against the petitioner for the theft of energy and until the penal cost was paid by the petitioner, no service connection would be restored in favour of the petitioner.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. Facts in the present case is not in dispute. On 22.04.2004, the respondent has conducted an inspection and found

that meter was tampered with bogus seal and thereby theft of E.B.Consumption amount of Rs.7,93,558/- was imposed on the petitioner. Thereafter on 06.12.2013, again the respondent had conducted an inspection, wherein it was found that the petitioner has committed theft in two industrial service connection in the name of him and in the name of his wife, by making a hole on top of the meter. Hence compounding charges of Rs.1,00,000/- was imposed for two service connections. In this connection, the petitioner has also given an undertaking letter admitting the theft and accepted to pay the compounding charge to avoid the criminal proceedings and thereby the theft amount of Rs.14,78,010/- in respect of two connections are pending in the name of the petitioner as well as in the name of his wife. The petitioner has to pay the pending arrears charges as imposed and Since the petitioner involved in the theft of electricity supply, unless the amount demanded by the respondents, is paid, the prayer sought for by the petitioner cannot be considered. Since the respondents have acted as per the statutory provisions, the impugned Assessment Order does not warrants interference of this Court.

6. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Executive Engineer,
(O&M) Tamil Nadu Electricity Board CEDC(North)
Tondiarpet, Chennai 81.
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705, T.H.Road, Tondiapet,
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- 3.The Superintending Engineer, Tamil Nadu
Electricity Board, CEDC (North)
800 Anna Salai, Chennai 2.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.68259

W.P.No.24583 of 2019

BS(CO)
SB(24/01/2022)