



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34495 of 2019

And

W.M.P.No.35201 of 2019

G.Jayavel

... Petitioner

Vs.

The Assistant Engineer,
Operation and Maintenance North,
TANGEDCO,
Pochampalli,
Krishnagiri District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondent Letter No.AEE/O&M/PPY/D:002/2018-2019 dated 16.02.2019 and to quash the same and restore the EB Service Connection No.181.006.870.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records on the file of the respondent Letter No.AEE/O&M/PPY/D:002/2018-2019 dated 16.02.2019 and to quash the same and to restore the EB Service Connection No.181.006.870.

2.The case of the petitioner is that he obtained electricity agriculture service connection for his land comprised in S.No.520/3G situated at Jingalkathirampatti Village and Post, Pochampalli Taluk, Krishnagiri District and he is cultivating seasonal crops on his lands. Whiles, the respondent inspected his lands and informed him that he had been given direct connection from outgoing to incoming connection and extending supply for the use of floriculture purpose and thereby



alleged to have committed offence of theft of electricity punishable under Section 135(1)(b) of the Electricity Act, 2003. Thereafter, the impugned letter directing the petitioner to pay a sum of Rs.1,13,758/- was issued to the petitioner and challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner has paid a sum of Rs.5,000/- towards compounding fee in order to avoid criminal case and would further submit that now the petitioner is ready to pay the entire amount of Rs.1,13,758/- demanded in the impugned order, without any penalty and this Court may permit the petitioner to pay the said amount by way of five installments as the petitioner is a poor agriculturist.

4.The learned Standing Counsel appearing for the respondent submitted that the petitioner has committed theft of electricity punishable under Section 135(1)(b) of the Electricity Act, 2003 and has admitted the guilt by paying a sum of Rs.5,000/- towards compounding fee, hence no leniency will be shown to the petitioner.

5.Admittedly, on inspection by the respondent it is alleged they found that the petitioner has committed theft of electricity punishable under Section 135(1)(b) of the Electricity Act, 2003 and has also admitted the guilt by paying a sum of Rs.5,000/- towards compounding fee. Hence, the impugned letter is in order and does not warrant any interference.

6.However, considering the limited request made by the learned counsel appearing for the petitioner, this Court permits the petitioner to pay the entire amount of Rs.1,13,758/-, by way of five installments, i.e., Rs.22,752/- per installment on or before 5th of every succeeding English Calendar Month, commencing from January, 2022. The respondent shall collect the same without any penal interest or penal amount (BPSC).

7.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Engineer,
Operation and Maintenance North,
TANGEDCO,
Pochampalli,
Krishnagiri District.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.67607

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.67596

W.P.No.34495 of 2019
And
W.M.P.No.35201 of 2019

SSI (CO)
SU (22/12/2021)