



W.P.No.6231 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.6231 of 2018

and

W.M.P.Nos.7712 & 7713 of 2018

K.Rajendran

..Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd,
144, Anna Salai, Chennai 600 002.

2.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Generation and Distribution Circle,
Tamil Nadu Electricity Board,
Valayapatty, Namakkal District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, calling for the records in respect of the LNO. AEE/O&M/VPTY/F Theft/D.260/18 dated 01.03.2018 passed by the second respondent and quash the same.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.Syed Sibghatulla

Standing Counsel



W.P.No.6231 of 2018

ORDER

Challenge in the Writ Petition is to the levy of a sum of Rs.8,23,689/-, being the estimated loss caused to the TANGEDCO due to the unauthorized use, by the petitioner, of the free energy meant for agricultural use for his Dairy farm.

2.Though the petitioner would contend that he had purchased many of the machineries meant for the dairy farm only a few days prior to the inspection and hence, the calculation of the loss on a presumed usage for a period of one year is not justified. The authority has rejected the contention of the petitioner, on the ground that the petitioner has not taken such a stand in his representation that was made immediately after inspection.

3.The claim of the petitioner regarding the purchase of machineries has been rejected as an after thought. Though the learned counsel for the petitioner would make a valiant attempt to substantiate the said contention to the effect that the machineries were purchased a few days prior to the inspection, I am unable to agree with the learned counsel in as much as the



W.P.No.6231 of 2018

reasoning of the Corporation to the effect that the very claim is an after thought is more convincing.

4.In view of the fact that the petitioner in his representation dated 19.02.2018 has stated that the additional load attached to the borewell is not in use, subsequently, during the enquiry, he had changed his stand and claimed that the machineries were purchased during the months of January and February, 2018. I therefore, do not find any reason to interfere with the levy. This Writ Petition therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

5.Considering the fact that the petitioner has paid 50% of the amount as condition for grant of restoration of service connection, the petitioner is permitted to pay the balance 50% amount in four bi-monthly instalments along with the present current consumption charges.

13.12.2022

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Index:Yes/No

Internet:Yes/No

3/5



W.P.No.6231 of 2018

Speaking/Non-speaking order

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To-

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R.SUBRAMANIAN, J.

KKN

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