



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.31083 OF 2016

AND

W.M.P.NO.26949 OF 2016

M/s.Varadha Steels,
No.15, Big Street, Kilpauk,
Chennai - 600 010,
Rep. by its Managing Partner,
K.A.Babu.

... Petitioner

.Vs.

1. The Union Territory of Puducherry,
Represented by Superintending
Engineer-I/Principal Engineer,
Electricity Department,
Government of Puducherry,
Puducherry.
2. The Union Territory of Puducherry,
Represented by Superintending Engineer-III,
Electricity Department,
Government of Puducherry,
Puducherry.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records in Order No.3058/ED/EE-IV/F-Varadha Steel/16-17, dated 08.08.2016 on the file of the 2nd respondent (Superintending Engineer-III) and quash the same, consequently direct the respondents to refund the sum of Rs.80 lakhs with interest at 24% per annum from 22.03.2006 which is deposited as per order dated 15.03.2006, made in CMP.No.1994 of 2006 in CMA No.527 of 2006.

For Petitioner : M/s.S.Harinyi

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Pondy)



O R D E R

The writ petition has been filed challenging the order passed by the respondents declining to return the amount deposited by the petitioner.

2. Earlier, the petitioner's service connection has been disconnected alleging theft of energy. Pursuant to the interim order passed by this Court, the petitioner has deposited a sum of Rs.80,00,000/- for reconnection of the disconnected electricity connection. Thereafter, according to the petitioner, a criminal case has been registered against the petitioner for theft of energy, which has ended in acquittal and that order has also become final.

3. In the above circumstances, the petitioner made an application to the respondents seeking for refund of the amount deposited by him but his request has been rejected on the ground that already provisional assessment has been initiated for theft of energy, and theft of energy was assessed to the tune of Rs.2,65,37,000/- and hence the amount paid by the petitioner was adjusted towards the same by the Department.

4. After issuing provisional assessment order and after enquiry, the respondents also passed final assessment order. Now challenging the same, the petitioner has filed another writ petition in W.P.No.34185 of 2017 and this Court disposed the said writ petition with liberty to the petitioner to challenge the final assessment order before the Appellate Authority.

5. In the above circumstance, since already final assessment order has already been issued against the petitioner, at this stage, the petitioner is not entitled for refund. However the petitioner is at liberty to file necessary petition challenging the final assessment order. With the above direction, the writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kk



To

1. The Superintending Engineer-I/
Principal Engineer,
Electricity Department,
Government of Puducherry,
Puducherry.

2. The Superintending Engineer-III,
Electricity Department,
Government of Puducherry,
Puducherry.

+5ccs to M/s.S.Harinyi, Advocate, S.R.No.12521

+1cc to the Government Pleader (Puducherry), S.R.No.12873

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MG (CO)
PBS/12/04/2022