



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.580 of 2016

And

WMP No.417 of 2016

M.K.Y.Syed Ahamed Ammal

.. Petitioner

vs.

- 1.The Superintending Engineer,
SE/CEDC/Central,
Tamil Nadu Generation of Electricity and
Distribution Corporation, TANGEDCO,
97, Kodambakkam High Road,
1st Floor, Nungambakkam,
Chennai - 34.
 - 2.The Superintending Engineer,
Enforcement, Chennai,
Tamil Nadu Generation of Electricity and
Distribution Corporation, TANGEDCO,
144, Anna Salai,
Chennai.
 - 3.The Assistant Executive Engineer, North/Chennai,
Flying Squad,
Tamil Nadu Generation of Electricity and
Distribution Corporation, TANGEDCO,
144, Anna Salai, Chennai.
 - 4.The Assistant Executive Engineer (O&M),
Tamil Nadu Generation of Electricity and
Distribution Corporation, TANGEDCO,
Muthiyalpet Sub Division,
Chennai.
 - 5.The Assistant Executive Engineer (O&M),
Tamil Nadu Generation of Electricity and
Distribution Corporation, TANGEDCO,
Esplanade Sub Division,
Chennai Distribution Circle,
110 KV GIS High Court Sub Station,
North Fort Road,
Chennai - 600 001.
- .. Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the fifth respondent in Letter No.UU.Se.Po/EE & Pa/esplanade/File/Electricity theft/Forward/15 dated 19.12.2015 consequential assessment of provisional working sheet dated 19.12.2015 pertaining to the petitioner's Service Connection No.106-016- 427 and to quash the same and to direct the respondents to repay the sum of Rs.44,691/- levied from the petitioner as penal charges.

For Petitioner : Mr.C.V.Kumar

For Respondents-1 to 5 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

ORDER

The order passed by the fifth respondent in proceedings dated 19.12.2015 and the consequential assessment of provisional working sheet dated 19.12.2015 pertaining to the petitioner's Service Connection, are under challenge in the present writ petition.

2. The petitioner has been provided with Electricity Service Connection for domestic purposes and during the course of inspection, the Authorities found that the petitioner has committed theft of energy. It was found that an offence of theft of energy had been committed by way of extending the domestic service to one Transport Company, namely UB Transports, which is purely used for commercial purposes.

3. The Anti Power Theft Squad, North Region has detected the said offence in the Service Connection. The provisional assessment order dated 19.12.2015 was issued to the petitioner determining the loss of revenue to the Board as Rs.42,691/-.

4. The learned Standing Counsel appearing on behalf of the respondents made a submission that the demand made by the TANGEDCO had already been paid by the petitioner. However, the petitioner filed the present writ petition, seeking the return of the amount already paid by her.

5. This Court is of the considered opinion that even the acquittal in criminal case would not exonerate the person from payment of electricity consumption charges as determined with reference to the documents and evidences. If at all there is a dispute in respect of determination of consumption charges, then the petitioner has to approach the Appellate Authority for the



purpose of redressal of her grievances. Contrarily, the Writ Court cannot determine the consumption charges or adjudicate the demand raised at the first instance by the Competent Authorities. An elaborate adjudication is required with reference to the documents and evidences available on record.

6. Therefore, the petitioner is of an opinion that the demand made by the respondents is exorbitant or otherwise, has to approach the Competent Appellate Authority in the manner known to law. As far as the theft of energy is concerned, the Authorities have found the offence during the inspection and determined the electricity consumption charges and accordingly raised the demand and the said amount has already been paid by the petitioner. Thus, it is for the petitioner to approach the Competent Authorities.

7. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Svn

To

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+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.5859

WP 580 of 2016

KJ(CO)
SB(10/02/2022)