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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.22814 of 2014

Fiem Industries Ltd (Unit III)

Fiem Industrial Complex,

Kelamangalam Road,

Achittapalli Post,

Hosur-635 110

Rep. by its Dy. General Manager -HR & Admn

Mr.K A Manikantan

...Petitioner

-Vs.-

1.Tamil Nadu Generation and Distribution

Corporation Ltd.,

Krishnagiri Electricity Distribution Circle,

Dharmapuri.

Rep. by its Superintending Engineer

2.The Superintending Engineer,

Krishnagiri Electricity Distribution Circle,

Tamil Nadu Generation and Distribution Corporation Ltd,

Dharmapuri.

3.The Executive Engineer,

Operations & Maintenance,

Tamil Nadu Generation and Distribution Corporation Ltd.,

Hosur.

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent in proceedings in Lr.No.1368/EE/O&M/Hosur/F.HTSC, Court Case/2014 dated 19.04.2014 and quash the same and consequently directing the respondents to refund the sum of Rs.7,75,661/-.



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For Petitioner : Mr.Leeban
for M/s.T.S.Gopalan And Co
For Respondents : Mr.Rajesh
for Mr.L.Jai Venkatesh
Standing Counsel for TNEB

ORDER

Heard the learned counsels appearing for the parties and perused the entire materials available on record.

2. This writ petition has been filed for the issuance of writ of Certiorarified Mandamus seeking to quash the order of the third respondent in proceedings in Lr.No.1368/EE/O&M/Hosur/F.HTSC, Court Case/2014 dated 19.06.2014 and consequently direct the respondents to refund the sum of Rs.7,75,661/-.

3. It appears that on 25.09.2012, the officials of the third respondent conducted inspection in the factory premises of the petitioner and at that time, it was found that the petitioner was utilising electricity supply from HT SC No.303/1A for construction purpose. Hence, a demand notice was issued, provisional and final assessment orders have been passed. The petitioner paid a sum of Rs.94,000/- for unauthorised usage of electricity as compounding fee and another sum of Rs.6,78,661/- was paid based on the working sheet and the notice dated 25.09.2012.

4. In the counter affidavit filed by the respondents, it is stated that the petitioner paid the entire amount admitting the offence committed by them and another sum of Rs.3,000/- was paid for restoration of the service connection HT SC No.303/1A.

5. Though the learned counsel appearing for the petitioner contended that there is no electricity theft as alleged by the respondents and the constructions was made by utilising a generator, no material was produced to substantiate the same. Hence, I find no reason to interfere with the order of the third respondent made in Lr.No.1368/EE/O&M/Hosur/F.HTSC, Court Case/2014 dated 19.04.2014. This writ petition fails.



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6. Accordingly, the writ petition is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kmi

To

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Krishnagiri Electricity Distribution Circle,
Dharmapuri.
- 2.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd,
Dharmapuri.
- 3.The Executive Engineer,
Operations & Maintenance,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Hosur.

+1cc to Mr.T.S.Gopalan & Co., Advocate Sr.24669
+1cc to Mr.L.Jaivenkatesh, Advocate Sr.25260

W.P.No.22814 of 2014

nr[co]
srg 09/05/2022