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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.NO.23034 OF 2014

AND

M.P.NO.2 OF 2014

S.Anand

... Petitioner

Vs.

The Assistant Executive Engineer, (O&M)
TANGEDCO,
Tamil Nadu Electricity Board,
Tindivanam East,
Villupuram Electricity Distribution Circle,
Tindivanam, Villupuram District.

... Respondent

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned Mahazer along with Working Sheet dated 17.07.2014 issued by the respondent and quash the same and consequently, direct the respondent to return Rs.1,09,704/- to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel for TNEB

O R D E R

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the impugned Mahazer along with Working Sheet dated 17.07.2014 issued by the respondent and consequently, to direct the respondent to return Rs.1,09,704/- to the petitioner.



2. The case of the petitioner is that he is running a Prawn Culture Unit under lease with one Gowriammal. When he was running the said Prawn Culture in her land, on 17.07.2014, the officials of the respondent inspected the Prawn Culture Unit and found that the petitioner was using free supply electricity connection to draw water to fill up the Prawn Culture Tanks. Hence, they passed the impugned order.

3. The learned counsel appearing for the petitioner would state that as per the clarificatory order issued by the Tamil Nadu Electricity Regulatory Commission dated 24.12.2012, Agricultural activities will include Prawn Culture also. It is further contended that the working sheet is without any basis.

4. Per contra, the learned Standing Counsel appearing for the respondent would state that as per the clarificatory order relied on by the petitioner, the electricity service connection primarily should be used for agricultural activities and if they use for any other allied activities, the petitioner is bound by the clarificatory order dated 24.12.2012. But in this case, the petitioner has used free electricity service connection for the purpose of Prawn Culture and hence, there is no illegality or irregularity in the order impugned in this writ petition. It is also stated that the petitioner has given a letter dated 17.07.2014 admitting the offence and also paid entire penalty amount of Rs.1,09,700/- and hence, he is not entitled to the relief sought for in this writ petition. It is further stated that as per the Rule 23(a) of the Tamil Nadu Electricity Supply Code, there was no necessity for the respondent to pass order, since the petitioner has remitted entire amount.

5. Heard the rival submission of the learned counsel appearing on either side and perused the materials available on record.

6. It is an admitted fact that the petitioner was using free electricity service connection for the purpose of Prawn Culture. On inspection, the respondent found that the free electricity service connection given to the agricultural activities was misused by the petitioner. Hence, the respondent passed provisional working sheet directing the petitioner to pay Rs.79,704/- towards levy and Rs.30,000/- as compounding charges. By letter dated 17.07.2014, the petitioner has admitted the charges levelled against him and paid entire amount of Rs.1,09,700/-. If the petitioner had made an objection to the provisional working sheet, it is requirement of the respondent to conduct an enquiry and pass orders. Such circumstances did not arise in this case. Hence, I find no merit in this writ petition.



7. In view of the above, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skn

To

The Assistant Executive Engineer, (O&M)
TANGEDCO,
Tamil Nadu Electricity Board,
Tindivanam East,
Villupuram Electricity Distribution Circle,
Tindivanam, Villupuram District.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.25264
+1cc to Mr.C.Prakasam, Advocate, S.R.No.25652

W.P.No.23034 of 2014
and
M.P.No.2 of 2014

SSI (CO)
PM/17/05/2022