



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/4/2022

C O R A M

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.23804 of 2014

&

M.P.No. 1 of 2014

M.Mujubur Rahman

...Petitioner

Vs

1. The Executive Engineer
Tamil Nadu Electricity Board
O & M, Tondiarpet
Chennai 600 021.

2. The Assistant Executive Engineer
Tamil Nadu Electricity Board
(O & M/Manali
(CEDC)/North/TANGEDCO
Chennai 600 068.

...Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records relating to the order passed by the second respondent dated 26/8/2014 in Letter No.AEE/O&M/Manali/E-Theft and quash the same.

For Petitioner ...

Mr.S.Parthasarathy

For Respondents...

Mr.L.Jai Venkatesh

Standing Counsel for TNEB

O R D E R

This writ petition has been filed challenging the Provisional Assessment Order, for theft of energy, issued by the second respondent, dated 26/8/2014.

2.According to the petitioner, he is a Proprietor of a Ice factory and the said factory is being run for the past five years. He would further claim that he has been paying electricity charges regularly, without fail. However, on 26/8/2014, the Vigilance Squad of the respondents, conducted a surprise inspection and they found theft of energy. Thereafter,



the impugned Provisional Assessment Order has been made. Hence, the petitioner has come forward with the present writ petition, praying for the relief as stated supra.

3. Heard Mr.S.Parthasarathy, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel for the Tamil Nadu Electricity Board.

4. Mr.S.Parthasarathy, learned counsel appearing for the petitioner submitted that to avoid disconnection of electricity supply, the petitioner, had paid Rs.1,70,000/- towards compounding charges and also to comply with the order of this Court, dated 3/9/2014, he has deposited Rs.5 lakhs, before the second respondent. He further added that the principles of natural justice has been violated in this case.

5. Mr.Jai Venkatesh, learned Standing Counsel for the Tamil Nadu Electricity Board submitted that the petitioner ought to have given the objections within seven days from the date of the Provisional Assessment Order. Instead of giving objection, the present writ petition was filed, within a period of five days. If the petitioner gives objection, the second respondent is ready to pass orders in accordance with law.

6. Learned counsel appearing for the petitioner submitted that the petitioner is ready to give objections to the impugned notice.

7. Though the petitioner sought for a larger relief, considering the submissions of the learned counsel appearing on either side, this writ petition is disposed of, directing the petitioner to give objections to the Provisional Order passed by the second respondent, dated 28/8/2014, within a period of two weeks, from today and if any objection is given by the petitioner, within the stipulated time, the second respondent shall consider the same and pass orders, within a period of four weeks therefrom.

8. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mvs.



To

1. The Executive Engineer
Tamil Nadu Electricity Board
O & M, Tondiarpet
Chennai 600 021.

2. The Assistant Executive Engineer
Tamil Nadu Electricity Board
(O & M/Manali
(CEDC)/North/TANGEDCO
Chennai 600 068.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.27370 (03/06/2022)

+1cc to M/s.S.Parthasarathy, Advocate, S.R.No.27031 (03/06/2022)

W.P.No.23804 of 2014

MG (CO)
RGA (22/04/2022)