



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 28083 of 2014

and

M.P.Nos.1,2 of 2014

V.Sankar

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation & Distribution Ltd.,
TNEB, Tirumangalam West,
Anna Nagar West,
Chennai - 40.
3. The Assistant Executive Engineer,
Operation and Maintenance,
Pattabiram,
CEDC West,
TANGEDCO, Pattabiram, Chennai - 72.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Avadi,
Chennai -54

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Provisional Assessment order in Lr. No.AEE/ O&M/ Pattabiram/ F-TOE/ D-Camp/14, dated 3.9.2014 issued by the third respondent and quash the same; and consequently direct the third respondent to issue a fresh provisional assessment order to the petitioner in respect of S.C.No.452:007:281/IA with proper calculation.

For Petitioner : Mr.K.Rajendiran

For Respondents 1 to 4 : Mr. L.Jai Venkatesh
For TANGEDCO



ORDER

The Provisional Assessment order, dated 03.09.2014, with reference to the allegation of theft of energy by the petitioner, is under challenge in the present writ petition.

2. During the inspection, the competent authorities detected theft of energy in the premises of the petitioner. Accordingly, the provisional assessment was made and the order was been issued in proceedings dated 03.09.2014.

3. The learned counsel appearing on behalf of the respondents made a submission that the petitioner has not paid the compounding charges as per the provisions of the Electricity Act and therefore, the authorities registered a criminal case in FIR No.922 of 2014 and the said criminal case is pending. However, the electricity service connection was restored. Thus, the petitioner has to approach the appellate authority with reference to the assessment made by the authorities regarding consumption charges to be settled. The appeal lies before the appellate authority under Section 127 of the Electricity Act, 2003.

4. Thus, the petitioner is at liberty to file an appeal against the assessment order for effective adjudication of disputes, issues between the parties. Further, a criminal case is also registered and thus, the issues cannot be adjudicated with reference to the documents and evidences in the present writ petition.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

nti/mkn



To

1. The Chairman,
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+1cc to Mr.L.Jai Venkatesh, Advocate SR.No.6223

W.P.No. 28083 of 2014

MT(CO)
GMY(21/02/2022)