



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.17529 OF 2017

AND

W.M.P.NOS.19024 & 19025 OF 2017

S.Govindaraj
S/o.Somasundaram

... Petitioner

Versus

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.

2. The Executive Engineer,
Operations and Maintenance,
Esplanade Division,
TANGEDCO,
Chennai.

3. The Assistant Engineer,
Operations and Maintenance,
Esplanade Division,
TANGEDCO,
Chennai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the 3rd respondent in No.VU.Po.E/Pra/M.Pettai/A No.117, dated ..06.2017, quash the same.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel



O R D E R

This Writ Petition has been filed challenging the notice issued by the 3rd respondent directing the petitioner to pay a sum of Rs.1,72,220/- towards loss of energy under Sec.135(i)(a) of Electricity Act, and also to pay a sum of Rs.12,000/- towards compounding charges.

2. The grievance of the petitioner is that, the petitioner is a consumer in commercial tariff. The 3rd respondent, without any inspection of the service connection, has issued the impugned notice as if the petitioner has reconnected disconnected service connection, thereby causing loss of energy and he was asked to pay charges for loss of energy and also compounding charges. According to the petitioner, there is no provisional assessment of theft of energy made by the petitioner and no notice was issued claiming arrears and he has never reconnected the disconnected service connection. In the said circumstances, the present Writ Petition has been filed.

3. Mr.M.L.Ramesh, learned counsel appearing for petitioner would submit that, so far, the petitioner has not received any provisional assessment notice for the alleged theft of energy and all of a sudden, without passing any assessment order, the respondents cannot direct the petitioner to pay the charges for the alleged loss of energy. Hence, the order passed by the 3rd respondent is not valid.

4. Per contra, Mr.Jai Venkatesh, learned standing counsel appearing for respondents Electricity Board would submit that, service connection of the petitioner is under commercial tariff and the service connection No.106-018-77 has been disconnected for non-payment of consumption charges. Thereafter, the petitioner has reconnected the disconnected service connection, thereby causing theft of energy and also caused loss to the Board. Already a provisional assessment notice has been issued to the petitioner, but, so far, he has not given any reply. In the meantime, the present impugned notice under Sec. 135(i)(a) of Electricity Act has been issued for compounding of offence and there is no illegality in it.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

6. On perusal of impugned order, it could be seen that, the petitioner was directed to pay towards loss of energy as well as compounding charges. Admittedly, only a provisional assessment order has been issued and loss of energy ought to be finally assessed, and no final assessment order has been issued to the



petitioner. In the said circumstances, the 3rd respondent cannot demand amount towards loss of energy. That apart, so far as the payment of compounding charges is concerned, Mr.M.L.Ramesh, learned counsel appearing for petitioner would submit that, he has not committed any offence and disconnected service connection was not reconnected, however, he wanted to contest the case, he is not willing to pay compounding charges.

7. Considering the above circumstances, as of now, no final assessment order has been passed, the 3rd respondent cannot issue any demand towards loss of energy. Since it is stated that already provisional assessment notice has been issued, the petitioner is directed to give objection for the same, thereafter, the 3rd respondent is directed to conduct enquiry and pass final assessment order. Till then, the 3rd respondent cannot demand any amount towards loss of energy. So far as compounding charges is concerned, it is upto the petitioner to pay compounding charges or to contest the matter before the concerned court if any such complaint filed against the petitioner. The 3rd respondent is also directed to furnish copy of provisional assessment order to the petitioner enabling him to file his objections. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.
2. The Executive Engineer,
Operations and Maintenance,
Esplanade Division,
TANGEDCO,
Chennai.



3. The Assistant Engineer,
Operations and Maintenance,
Esplanade Division,
TANGEDCO,
Chennai.

WEB COPY

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.14350

W.P.NO.17529 OF 2017

SKM(CO)
PBS/08/04/2022