



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10795 of 2010
and
M.P.(MD)Nos.1 & 2 of 2010

M.V.Laksshmi Narasimhan : Petitioner

Vs.

The Assistant Executive Engineer,
Operation and Maintenance,
Urban / TNEB / Karur. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the respondent in L.R.No.AEE/O&M/Urban/Karur/FDOL/D 108-2/2010, dated 27.07.2010 and quash the same and consequently, directing the respondent to restore the power supply of S.C.No.383 TF-Ia, N.Andalkovil Distribution.

For Petitioner :Mr.S.Natesh Rajaa
For Respondent :Mr.S.Deenadhayalan
Standing Counsel

O R D E R

This writ petition is filed by the petitioner as against the final assessment order dated 27.07.2010, passed by the respondent.

2.The petitioner, being a consumer of the respondent Board and has obtained service connection for domestic purpose, is said to have utilized the same for commercial purpose. Therefore, a proceedings was initiated as against the petitioner and final assessment order was passed for theft of energy under Section 135 of the Electricity Act.

3.Learned Counsel for the petitioner submitted that even assuming that the petitioner has committed any mischief of utilizing the domestic service connection for commercial purpose, it has to be treated as unauthorized use of electricity as per Section 126 of the Electricity Act and not under Section 135 of the Act. Though the petitioner has submitted a detailed representation along with



materials, without considering the same, the respondent has passed the impugned order.

4.Learned Standing Counsel for the respondent submitted that the petitioner has misused the domestic service connection for commercial purpose, which is an act of theft, as defined under Section 135(1)(e) of the Electricity Act. The same is extracted as under:-

" 135.Theft of electricity:- (1) Whoever, dishonestly -

... ..

(e) uses electricity for the purpose other than for which the usage of electricity was authorised,

so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both"

5.He further submitted that when the Board was about to lodge a criminal complaint as against the petitioner, the petitioner came forward to compound the offence under Section 152 of the Electricity Act. The application was considered and the offence was compounded as per Section 152 of the Electricity Act, on payment of the compounding fee of Rs.20,000/- by the petitioner.

6.This Court considered the rival submissions made on either side and perused the documents placed on record.

7.It appears that the petitioner has used the domestic service connection for commercial purpose and has also compounded the offence under Section 152 of the Electricity Act. As pointed out by the learned Standing Counsel for the respondent Board, the usage of electricity for the purpose other than for which the usage was authorized is an offence of theft, as per Section 135(1)(e) of the Electricity Act. That apart, having paid the compounding fee, the petitioner cannot claim that the assessment order ought not to have passed under Section 135 of the Electricity Act.

8.In view of the above reasoning, this writ petition fails and the same is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk



To

The Assistant Executive Engineer,
Operation and Maintenance,
Urban / TNEB / Karur.

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+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-15836[F] dated
31/03/2022)

W.P (MD) No.10795 of 2010
29.03.2022

SRK (CO)
KB (05.04.2022) 3P 3C