



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.4778 of 2012

and

M.P. (MD) Nos.1 and 2 of 2012

J.Venkataraman

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thanjavur, Thanjavur District.

3.The Divisional Engineer,
Tamil Nadu Electricity Board,
Kumbakonam, Thanjavur District.

4.The Assistant Executive Engineer,
TANGEDCO, Kumbakonam South,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records which culminated in passing the impugned order by the fourth respondent in his proceedings in க.எண்.உ.செபொ/இப/தெ/கும்ப/கோ. மின் திருட்டு/அ.எண்.367/11-12, dated 30.03.2012, enclosing the form X final assessment order in Lr.No.AEE/O&M/S/Kum/F.APTS/D.No.367-1/11-12, dated 30.03.2012 , to quash the same and consequently, to direct the respondents, particularly the fourth respondent to pass final order of assessment in accordance with Section 126 of the Electricity Act and the Regulations made thereunder, including restoration of electricity service connection bearing SC No.688 at Udaiyar Street, Kadichampadi, Kumbakonam Taluk, Thanjavur District as per the order, dated 23.12.2011, made in W.P.No.12370 of 2011 and may further pleased to direct the respondents 1 to 3 to authorise any other officer other than the fourth respondent to pass the final order of assessment within a time limit that may be fixed by this Court.



For Petitioner : Mr.F.Deepak
for Mr.G.Sankaran
For R1 and R3 : No appearance
For R2 and R4 : Mr.S.Deenadhayalan

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O R D E R

The present Writ Petition is filed challenging the order passed by the fourth respondent herein issuing the final assessment order for theft of energy under Section 135 of the Electricity Act.

2.The learned Counsel appearing for the petitioner brought to the notice of the Court that already a similar final assessment order was passed by the fourth respondent and the said order was challenged before this Court in W.P.(MD)No.12730 of 2011. In the said Writ Petition along with a batch of writ petitions orders were passed on 23.12.2011. The learned Single Judge in Paragraph No.127 has observed that the case of the petitioner cannot be treated under Section 135 of the Electricity Act but, it can be considered only under Section 126 of the Electricity Act. Despite the said observation of this Court in the previous round of litigation, the present impugned order has been passed treating it as a theft of energy and final assessment order has been passed under Section 135 of the Electricity Act.

3.In view of the observations made by this Court in previous round of litigation, this Court is inclined to pass the following order:

i.The impugned order is set aside and the matter is remitted back to the file of fourth respondent.

ii.The fourth respondent is directed to pass a final assessment order treating the said use of electricity as under Section 126 of the Electricity Act and arrive at a final assessment.

4.With the above said direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

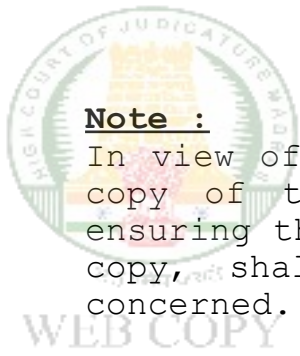
Assistant Registrar (CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Tmg



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO:

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thanjavur, Thanjavur District.
- 3.The Divisional Engineer,
Tamil Nadu Electricity Board,
Kumbakonam, Thanjavur District.
- 4.The Assistant Executive Engineer,
TANGEDCO, Kumbakonam South,
Thanjavur District.

+1 CC to M/s.F. DEEPAK, Advocate (SR-26012[F] dated 16/06/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-26230[F] dated 16/06/2022)

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RD(27.06.2022) 3P 7C