



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2436 of 2022

and

W.M.P.[MD]Nos.2111, 2112 & 2114 of 2022

WEB COPY

Syed Ahamed Rowther

... Petitioner

Vs.

1.The Superintending Engineer,
TANGDCO (Operation & Maintenance),
Pudukkottai District.

2.The Assistant Executive Engineer,
TANGDCO (Operation & Maintenance),
Rural / Aranthangi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in No.AEE/O&M/Rural/ATQ/F.Theft of Energy/D.No.514/2021 District 22.12.2021 and the inspection report dated 22.12.2021 and quash the same as illegal, arbitraty.

For Petitioner

: Mr.R.Paranjothi

For Respondents

: Mr.S.Dheenadhayalan

Standing Counsel

O R D E R

This writ petition has been filed challenging the provisional assessment order dated 22.12.2021 passed by the second respondent wherein the second respondent has imposed penalty amounting to Rs.30,327/- on the petitioner for the alleged theft of electricity.

2.According to the respondents as seen from the impugned order, the petitioner has misused the domestic service connection for commercial use and on that ground penalty has been imposed.

3.Heard Mr.R.Paranjothi, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel who accepts notice on behalf of the respondents.

4.Today, learned Standing Counsel for the respondents has placed before this Court a final order dated 21.01.2022 passed by the second respondent and would submit that the petitioner will have

<https://hdservices.mca.gov.in/hdservices>



to challenge the same as the provisional assessment which was challenged earlier has now got merged with the final order dated 21.01.2022 passed by the second respondent wherein the provisional assessment was confirmed.

5.Learned Counsel for the petitioner on instructions would submit that the petitioner is willing to pay the sum of Rs.30,327/- as demanded by the respondents under the impugned assessment without prejudice to his rights and contentions while making a challenge to the final order dated 21.01.2022 passed by the second respondent. The said statement is recorded. Learned Counsel for the petitioner also seeks liberty of this Court to challenge the final order dated 21.01.2022 passed by the second respondent which has been produced before this Court by the learned Standing Counsel appearing for the respondents.

6.Since the petitioner has taken a categorical stand in the writ petition that he has not committed theft of electricity as alleged by the respondent Corporation, this Court directs the petitioner to pay a sum of Rs.30,327/- to the respondent Corporation as per the impugned order dated 22.12.2021 within a period of one [1] week from the date of receipt of a copy of this order. However, it is made clear that the said payment is being made without prejudice to the rights and contentions of the petitioner in the challenge proceedings to be initiated by him as against the final order dated 21.01.2022 passed by the second respondent, wherein the second respondent has confirmed the provisional assessment order dated 22.12.2021 which is the subject matter of challenge in this writ petition. Liberty is also granted to the petitioner to challenge the final order dated 21.01.2022 passed by the second respondent in the manner known to him under law.

7.With the aforesaid direction, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

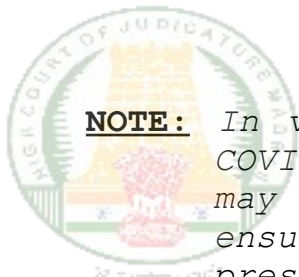
Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



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.

+1 CC to M/s.S.DEENADHAYALAN, Advocate(SR-6732[F] dated

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15.02.2022

MGJ(08.03.2022) 3P 2C