



W.P(MD)No.4331 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4331 of 2017

and

W.M.P.(MD)Nos.3481 and 3482 of 2017

G.Radhakrishnan

... Petitioner

Vs.

The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Operation & Maintenance (North),
Karur, Karur District.

... Respondent

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 records pertaining to the impugned order issued by the respondent in his proceedings in Lr. No.AEE/O&M/North/Karur.F.Doc/D.No.396/2016-17 dated 18.01.2017 and quash the same as illegal and consequently direct the respondents herein to restore the electricity in respect of service connection No.S.C.No.003-018-325, TF-V.Vadivel Nagar standing in the name of the petitioner immediately.



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For Petitioner : Mr.M.Bindran

For Respondent : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner was accused of having indulged in energy theft. Therefore, the impugned assessment order came to be passed. As per the statutory procedure, the provisional assessment order must be served on the petitioner and after getting his explanation, final assessment order must be passed. The assessee must be given seven days notice also. In this case, the provisional assessment order itself was served on the petitioner only on 08.02.2017. Even before that the final order was passed on 18.01.2017. Since the final order was passed before service of the provisional assessment order, the impugned order is set aside. The petitioner is given four weeks from the date of receipt of the a copy of this order to submit his explanation in response to the provisional assessment order and thereafter, the respondent will pass appropriate order in accordance with law.



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3.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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