



W.P.No.4255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.4255 of 2023

D.K.Bhagavathi Nath

... Petitioner

Versus

1. The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
110 KV, K.K.Nagar,
First Floor, S.S.Complex,
Anna Main Road, Chennai – 78.
2. Assistant Executive Engineer / O&M,
Chennai Electricity Distribution Circle/South,
Ramapuram, Chennai.
3. Assistant Executive Engineer,
Chennai Electricity Distribution Circle/South,
110 KV, K.K.Nagar,
First Floor, S.S.Complex,
Anna Main Road, Chennai – 78.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Provisional Assessment dated 03.2022 made in respect of the petitioner's Service Connection No.261-015-2048 made by the 2nd respondent herein, quash the same and consequently, direct the respondents herein to reimburse the Penalty Amount along with



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the Arrears levied on Petitioner's Service Connection No.261-015-2048 within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.L.Jai Venkatesh

ORDER

The Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking records relating to a Provisional Assessment Order issued in the month of March 2022 with respect to the service connection of the petitioner bearing No.261-015-2048, which Provisional Assessment was made by the 2nd respondent/Assistant Executive Engineer, O&M, Chennai Electricity Distribution Circle/South, Ramapuram, Chennai.

2. It was also sought that therefore, the penalty amount and the arrears which had been paid by the petitioner should be returned back to the petitioner herein.

3. The petitioner had a service connection bearing No.261-015-2048. It had come into operation and is in operation from August 2019



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onwards. However, the petitioner was informed stated that there was an arrear of amount of Rs.44,084/-. The petitioner resisted payment claiming that, he had not used any electricity from the said service connection. Thereafter, the petitioner kept making enquiries from the 2nd respondent. He also issued a number of RTI questions and then, according to him, he discovered there were several discrepancies.

4. There were two service connections. One service connection is 261-015-2044 in the names of Jammi Damodaran Rajkumar and Jammi Rajkumar Tharabai. The other service connection is 261-015-2048 in the name of the petitioner herein.

5. It is also stated that the respondents claimed that there was no such meter in Meter No.037-1153. The petitioner has a lot of grievances which can be addressed only by the 2nd respondent. The 2nd respondent had passed a Provisional Assessment.

6. The learned counsel for the petitioner states that the petitioner had paid a sum of around Rs.1.09/- lakhs seeking restoration of the disconnected electricity connection.



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7. Aggrieved by the said order, the petitioner had approached the Consumer Grievance Redressal Authority and also the Electricity Ombudsan. They both stated that the issues are not within their purview.

8. It is seen from the perusal of the impugned order, that it is only a Provisional Assessment.

9. The petitioner will have every opportunity to address the issues before the 2nd respondent and only thereafter, the final assessment will be made.

10. The learned Standing Counsel for the respondents also affirms that the final assessment will be made only after giving due opportunity to the petitioner herein.

11. The petitioner may therefore go over to the Office of the 2nd respondent on any working day between 27.02.2023 to 03.03.2023 and produce all necessary documents.

12. Let the 2nd respondent give an opportunity of hearing to the



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petitioner and thereafter consider the representation given, and the documents if any, submitted by the petitioner and then come to a considered decision and then pass the final Assessment Order.

13. The said exercise by the 2nd respondent should be completed on or before 17.03.2023.

14. The Writ Petition stands disposed of. No order as to costs.

14.02.2023

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Index : Yes/No

Internet : Yes/No

To:

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C.V.KARTHIKEYAN,J.



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