



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.22195 of 2015
and
W.M.P.Nos.1 & 2 of 2015

S.Jagadeesh Babu

.. Petitioner

Vs.

1. Tamil Nadu Electricity Board,
Represented by,
The Chairman cum Managing Director,
Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Bangalore Bye Pass Road,
Krishnagiri,
Krishnagiri District.

3. The Executive Engineer,
Office of the Executive Engineer,
SIPCOT, Hosur,
Krishnagiri District.

4. The Assistant Engineer,
Tamil Nadu Electricity Board,
SIPCOT, Hosur,
Krishnagiri District.

... 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 additional levy notice dated 14.11.2014 issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to restore service connection under Service Connection No.066-019-1019/V to the petitioner's bore well at Meenakshi Lay out, Govinda Agragaram, SIPCOT – II Veedhapatti, Hosur within a time frame.

For Petitioner	.. Mr.K.P.Mohan Balaji
For Respondents	.. Mr.S.Madhusudanan

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with additional levy notice dated 14.11.2014 issued by the 3rd respondent / Executive Engineer, Office of the Executive Engineer, SIPCOT, Hosur, Krishnagiri District and to direct the said respondent to restore the service connection in Service Connection No.066-019-1019/V to the bore well of the petitioner at Meenakshi Layout, Govinda Agragaram, SIPCOT – II, Veedhapatti, Hosur.



2. In the affidavit it had been stated that the petitioner had been paying the electricity connection for the said bore well to supply water to the customers in the residential areas, schools, industries in Hosur town. He had been granted service connection in Service No.066-019-1019. He had further stated that the electronic meter become faulty. He had given several complaints to the 3rd respondent. The 3rd respondent inspected the meter on 14.11.2014 at about 12.45 in the afternoon. It was found that the electronic meter was at fault. However, the 3rd respondent alleged that there was energy theft for 20 days and there was also revenue loss to the department. It was under those circumstances, that the impugned notice had been issued calling upon the petitioner to pay a sum of Rs.6,71,924/- and a further sum of Rs.1,68,000/-. It is stated that the petitioner had paid the sum of Rs.1,68,000/-.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. The impugned notice had been passed after inspection done by the 3rd respondent. It was found that the electricity connection was used for bore



well to supply water to the residential areas and to other commercial places.

It was also found that the energy meter which was kept there was though at fault, there was always a possibility of energy having been stolen by the petitioner herein. It was under these circumstances that the impugned notice had been passed. It is stated that as against the impugned notice, there is a provision for filing of a regular appeal. The petitioner had not filed such appeal, though the alternate remedy available, but had filed the present writ petition. No interim order has been passed in the present writ petition, which has been pending for the past 7 years.

5.The learned counsel for the petitioner placed a request that he may be permitted to file a regular appeal in manner provided by law, but he requested to condone the delay in filing the appeal.

6.In view of the facts stated that, the petitioner may prefer an appeal, provided he pays 50% of the amount due as raised in the notice. The appeal should be filed on or before 31.01.2023. If it so filed and if the 50% of the amount paid, then the appeal can be taken on record and proceeded in manner known to law.



WEB COPY 7. With the above observations, this Writ Petition stands disposed of.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

03.01.2023

(1/2)

Index: Yes/No

Internet: Yes/No

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To

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6

C.V.KARTHIKEYAN,J.

smv

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