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W.P.No.7686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7686 of 2023

P.Deivasigamani

...Petitioner

Vs.

1. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
Erode, Erode District.
2. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
Perundurai South,
Perundurai, Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in Inspection Report dated 17.12.2022 and consequential order in Lr.No.AEE/O&M/South/Prd/CI/F.T.O.E./D.No.514 of 2022-2023 dated 21.12.2022 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.A.Sundaravadhanan



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For Respondents : Mr.I.Syed Sibghatulla, SC

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ORDER

The petitioner has come up with this Writ petition seeking quashment of the records in Inspection Report dated 17.12.2022 and consequential order in Lr.No.AEE/O&M/South/Prd/CI/ F.T.O.E./D.No.514 of 2022-2023 dated 21.12.2022 passed by the 2nd respondent.

2. Mr.I.Syed Sibghatulla, learned Standing Counsel takes notice for the respondents. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he is the owner of the land comprised in S.No.789/1-1, situated at Karumandichellapalayam, Erode District and he is running a business and also doing agricultural operations in the said land, by availing service connection in No.052-003-561 TF:/IV. While so, on 17.12.2022 at about 2.15 PM, the respondent officials conducted inspection in the petitioner's land and passed an order/inspection report dated 17.12.2022 stating that, the petitioner is involved in electricity



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theft by utilising the agricultural service connection for commercial purposes and subsequently, issued an Working sheet for extra levy due of theft of electrical energy, directing the petitioner to pay a sum of Rs.1,56,190/- and a sum of Rs.12,000/- as compounding fee and the same was also paid by the petitioner under the threat of disconnection of service connection. Despite the above said demand amount being paid by the petitioner, the 2nd respondent passed the provisional assessment order dated 21.12.2022 in Lr.No.AEE/O&M/South/ Prd/CI/F.T.O.E./D.No.514 of 2022-2023, which is not sustainable. Challenging the same, this Writ petition.

4. Heard learned counsel on either side and perused the material documents placed on record.

5. Though very many grounds have been raised by the learned counsel for the petitioner, at the time of arguments, however, when this Court expressed its opinion that, the impugned assessment order dated 21.12.2022 passed by the 2nd respondent, is only a provisional assessment order and not the final assessment order and the petitioner can very well ventilate / agitate his grievances by way of filing appropriate explanation



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before the concerned authority, the learned counsel for the petitioner restricted the prayer and sought for permission of this Court to file appropriate explanation before the 2nd respondent.

6. In view of the above restricted prayer sought for by the petitioner, this Court, without interfering with the orders impugned in this Writ petition, directs the petitioner to file appropriate explanation before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such explanation, the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate final assessment order within a period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved if any.

7. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. No costs.

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(1/2)

skt

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

1. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
Erode, Erode District.
2. The Assistant Executive Engineer,
Operation and Maintenance,
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W.M.P.No.7858 of 2023

in

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M.DHANDAPANI, J.

Dispense with ordered for the
present.

14.03.2023

(2/2)

skt