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W.P.Nos.7199 & 7229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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

W.P.Nos.7199 & 7229 of 2023

P.Rose Mary

...Petitioner in both W.Ps.

Vs.

1. The Chief Engineer,
TANGEDCO,
Second Floor, Eastern Wing,
144, Anna Salai, Chennai – 600 002.
2. The Assistant Executive Engineer,
Operation & Maintenance,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
Ambattur, Chennai – 600 053. ...Respondents in both W.Ps.

Prayer in W.P.No.7199 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in his proceedings No Nil dated 15.11.2022 and Lr.No.AEE/O&M/Ambattur/F.APTS/D.NO.37/2023 dated 27.01.2023 and quash the same by issuing a Writ of Certiorarified Mandamus and consequently direct the respondents re-calculate the actual units used by the petitioner and to re-connect the Electricity Connection Consumer No.440:234:450 IO.

Prayer in W.P.No.7229 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in his proceedings No Nil dated



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15.11.2022 and Lr.No.AEE/O&M/Ambattur/F.APTS/D.NO.37/2023 dated 27.01.2023 and quash the same by issuing a Writ of Certiorarified Mandamus and consequently direct the respondents re-calculate the actual units used by the petitioner and to re-connect the Electricity Connection Consumer No.440:234:263 IO.

In both W.Ps.:

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.L.Jaivenkatesh

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioner has come up with these Writ petitions seeking quashment of the order of the 2nd respondent in respect of the proceedings bearing No.Nil dated 15.11.2022 and letter bearing Lr.No.AEE/O&M/Ambattur/F.APTS/D.NO.37/2023 dated 27.01.2023 and to consequently direct the respondents to re-calculate the actual units used by the petitioner and re-connect the Electricity Connection Consumer Nos.440:234:450 IO and 440:234:263 IO respectively.

3. Mr.L.Jaivenkatesh, learned Standing Counsel takes notice for the



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respondents. In view of the consent expressed by the Learned counsel on either side, these petitions are taken up for final disposal.

4. The case of the petitioner is that, the petitioner is residing in the house situated at No.1, Bajanai Koil Street, Athipattu, Chennai for the past 25 years and has three face Electricity connection in her house and the petitioner paid the Electricity bill without any default. While so, during Covid-19 pandemic, the petitioner could not pay the Electricity bill in respect of the Electricity Connection Consumer Nos.440:234:450 IO and 440:234:263 IO respectively, due to which, the said connections were disconnected by the respondent board in the year 2018. Thereafter, on 15.11.2022, the 2nd respondent inspected the petitioner's premises and came to a conclusion that, the petitioner is involved in electricity theft in Electricity Connection Consumer Nos.440:234:450 IO and 440:234:263 IO respectively, without obtaining prior permission from the 2nd respondent and on the very same day, the 2nd respondent issued a order of assessment, directing the petitioner to pay a sum of Rs.6,03,438/- and Rs.10,000/- as compounding fee in respect of Electricity Connection bearing No.440:234:450 IO and Rs.6,52,872/- and Rs.10,000/- as compounding fee in respect of Electricity Connection bearing No.440:234:263 IO. Pursuant to the above

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said orders, the petitioner made a representation dated 17.01.2023 before the 2nd respondent, seeking to reduce the bill amount with an undertaking to pay the reduced amount. However, upon receipt of the said representation, the 2nd respondent, vide letter dated 27.01.2023 bearing Lr.No.AEE/ O&M / Ambattur / F.APTS / D.NO.37 / 2023, rejected the petitioner's requested and informed the petitioner that, it is not feasible to reduce the accessed bill amount. Hence, challenging the said order of assessment 15.11.2022 and rejection letter dated 27.01.2023, the petitioner has come up with these Writ petitions.

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

6. 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 assessment orders dated 15.11.2022 passed by the 2nd respondent, which are impugned in the respective Writ petitions are only a provisional assessment order and not the final assessment order and the petitioner can very well ventilate / agitate her



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grievances before the concerned authority, the learned counsel for the petitioner restricted the prayer and sought for direction of this Court to the respondents to afford sufficient opportunities of personal hearing to the petitioner before passing the final assessment order in respect of Electricity Connection Consumer bearing Nos.440:234:450 IO and 440:234:263 IO. respectively and not to hurriedly pass the final assessment orders, without hearing the petitioner's grievances.

7. In view of the above restricted prayer sought for by the petitioner, this Court, without interfering with the orders impugned in these Writ petitions, directs the respondents to afford opportunity of personal hearing to the petitioner and thereafter pass the final assessment orders in accordance with law in respect of Electricity Connection Consumer bearing Nos.440:234:450 IO and 440:234:263 IO respectively within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, these Writ Petitions stand disposed of. No costs.



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skt

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

M.DHANDAPANI, J.

skt

To

1. The Chief Engineer,
TANGEDCO,
Second Floor, Eastern Wing,
144, Anna Salai, Chennai – 600 002.
2. The Assistant Executive Engineer,
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TANGEDCO,
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W.M.P.Nos.7258 & 7276 of 2023

in

W.P.Nos.7199 & 7229 of 2023

M.DHANDAPANI, J.

Dispense with ordered for the
present.

09.03.2023

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skt