



W.P.No.10348 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2023

C O R A M

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

W.P.No.10348 of 2023
and W.M.P.Nos.10318 & 10320 of 2023

S.Mathannath

... Petitioner

Vs

1. The Executive Engineer,
TNEB-TANGEDCO,
OMR, Sholinganallur,
Chennai-600 119.

2. The Assistant Engineer,
TNEB-TANGEDCO, No.68, 68th Cross Street,
Kannagi Nagar, Thoraipakkam,
Chennai 600 097.

3. HDFC Bank Cards Division,
Represented by its Authorised Signatory,
PO BOX # 8654,
Thiruvanmiyur Post Office,
Chennai-600041, Tamilnadu.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other Writ or Order or Direction in the nature of Writ to call for the records in respect of the proceedings of the second respondent in the impugned show cause notice cum provisional assessment order in Letter No.KA.A.2,S.Po/E & M, Solinganallur, KO, ELEC Theft dt.23.02.2023, posted on 27.02.2023 and received by the petitioner's landlord on 28.02.2023 and quash the same.

For Petitioner ... M/s.S.R.Shanmugadoss

For Respondents ... Mr.L.Jaivenkatesh,
Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned show cause notice dated 23.02.2023 issued by the 2nd respondent.

2. Mr.L.Jaivenkatesh, learned standing counsel takes notice for the respondents.



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3. It is the case of the petitioner that he is a tenant in the subject premises bearing Door No.4/717, I Floor, Block II, Chandrasekaran Nagar, I Street, Okkiyam Thoraipakkam, Chennai-600 097 and has obtained electricity service connection from the 2nd respondent. The petitioner has paid a sum of Rs.2,06,325/- towards the arrears of electricity charges. However, the said amount was re-credited to the petitioner's account by the 2nd respondent. Thereafter, there was a default in payment of the electricity charges for the consequential period. Having found that there is a theft of electricity, the electricity service connection was disconnected by the 2nd respondent on 10.02.2023 and the petitioner was directed to pay another sum of Rs.1,50,000/- towards the extra levy due in respect of the above service connection. However, till date, the said amount has not been paid by the petitioner. Subsequently, on 23.02.2023, the impugned show cause notice was issued to the petitioner directing him to pay the amount as specified towards the extra levy. Challenging the same, this Writ Petition has been filed.

4. Learned counsel for the petitioner submits that though the petitioner has paid the arrears of electricity charges, extra levy has been imposed in respect of the electricity service connection obtained by the petitioner vide the



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present impugned notice on the premise that there was a theft of electricity found in the petitioner's premises which is wholly unsustainable.

5. On the above contention, learned standing counsel appearing for the respondents.

6. Though the present Writ Petition has been filed challenging the impugned order of issuance of show cause notice, however, it is the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold. Therefore the prayer sought for in the present Writ Petition cannot be entertained. The petitioner has to appear for the enquiry to be conducted by the respondent electricity board and submit explanation wherein after alone the electricity board shall pass appropriate orders. Therefore, this Court grants liberty to the petitioner to participate in the enquiry to be conducted by the electricity board and the petitioner is permitted to submit explanation within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondent electricity board is directed to conduct enquiry and pass appropriate orders as expeditiously as possible.



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7. Though the petitioner claims that he has paid the arrears of electricity bill, however, the fact remains that there was a default on the part of the petitioner in payment of electricity charges for the subsequent period. Further, having found the theft of electricity by the respondent officials, said service connection was disconnected. In such view of the matter, this Court is inclined to issue a direction to the petitioner to pay a sum of Rs.5,00,000/- to the credit of the respondent board within a period of one week from the date of receipt of a copy of this order. On such payment being made, the respondent board is directed to restore the electricity service connection in the petitioner's premises within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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Internet: Yes

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M.DHANDAPANI, J

NHS

To

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