



W.P.No.17327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.17327 of 2023

and

W.M.P.Nos.16461 & 16462 of 2023

R.Dhinakaran

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
No.144, Anna Salai, Chennai – 600 002.

2.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Arani,
Thiruvannamalai District.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
North Division,
Arani – 632 301,
Thiruvannamalai District.

4.Sampath

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the



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second respondent vide his proceedings in Letter No.Se.Po/E & Pa/Arani/Tho Nu Vu/Ko. Thani No.089/23 dated 02.06.2023 and quash the same as illegal.

For Petitioner : Mr.S.Kanimozhi Sundar

For Respondents : Mrs.Daniel Mary [R1 to R3]

ORDER

The Writ Petition has been filed for a Writ of Certiorari, to call for the records of the second respondent vide his proceedings in Letter No.Se.Po/E & Pa/Arani/Tho Nu Vu/Ko. Thani No.089/23 dated 02.06.2023 and quash the same as illegal.

2. Mrs.Daniel Mary, learned Counsel takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order has been passed against the fourth respondent, notice to the fourth respondent is dispensed with.



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4. The case of the petitioner is that, initially, he obtained domestic electricity connection and thereafter, the same was changed as power loom connection. While so, during the month of February, 2023, the fourth respondent inspected the petitioner's property and found that the said connection has been misused by the petitioner. Hence, on 23.02.2023, the third respondent issued a worksheet demanding a sum of Rs.22,068/- towards extra leavy and the same was paid by the petitioner on 24.02.2023. Thereafter, the third respondent issued an order dated 18.05.2023 demanding a sum of Rs.1,06,823/-. Aggreived by the same, the petitioner preferred an appeal before the second respondent on 24.05.2023 and the same was rejected by the second respondent through the impugned order dated 02.06.2023 and directed the petitioner to pay a sum of Rs.84,755/-, since the petitioner has already paid as sum of Rs.22,068/-, failing which, the petitioner's electricity service connection will be disconnected. Challenging the same, the petitioner has filed the above writ petition.

5. The learned counsel for the petitioner submits that, the impugned order is only a provisional assessment order. He also submits



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that, without prejudice to his rights, the petitioner is ready to pay 50% of the demand amount of Rs.84,755/-. Hence, he submits that, it would suffice, if this Court, issues a direction to the respondent-Electricity Board to pass final assessment order, within a time frame that may be stipulated by this Court.

6. The learned counsel appearing for the respondents 1 to 3 submits that, final assessment order will be passed within a time that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the petitioner to pay 50% of demand amount of Rs.84,755/- within a period of two (2) weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent-Electricity Board is directed to pass final assessment order within a period of twelve (12) weeks thereafter, after providing an opportunity of personal hearing to the petitioner. Further, the respondent-Electricity Board is directed not to disconnect the electricity service connection of the petitioner till the final assessment order is passed.



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8. With the above directions, the Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petitions are closed.

12.06.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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M.DHANDAPANI, J.

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