



W.P.No.3256 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3256 of 2017

Santhosh Kumar

.. Petitioner

VS

1. The Chairman

TANGEDCO, 144, Anna Salai
Chennai – 600 002.

2. Assistant Executive Engineer

TANGEDCO, Operation and Maintenance
Rural Rasipuram, Namakkal.

3. Junior Engineer

TANGEDCO, Operation and Maintenance
Kakkaveri, Namakkal.

4. The Executive Engineer, O&M

TANGEDCO, Operation and Maintenance
Rural Rasipuram, Namakkal.

5. The Superintendent Engineer

TANGEDCO, NEDC/AEE (GL)
Namakkal.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari, calling for records relating passed by the first respondent the final Assistant order for theft of Energy under Section 135(1) of the Electricity Act, 2003 Lr.No.AEE/O&M/RL/RPM/C1/F. Doc.SCNo.400/D No.009-1/2016 date 20.12.2016 and quash the same of consequently direct the first respondent to entertain the act of revising the huge amount assessed Rs.5,57,151/- (Rupees five lakhs fifty seven thousand one hundred and fifty one only).

For the Petitioner : Mr.P.Kannan

For the Respondents : Mr.A.Kalai Selvam
Standing Counsel

ORDER

The Provisional Assessment order for theft of energy under Section 135 & 138 of the Electricity Act, 2003 issued by the Assistant Executive Engineer is sought to be quashed in the present writ petition.

2. The petitioner is a consumer of electricity from the Tamil Nadu Electricity Board. The respondent Board raised an allegation of theft of energy against the writ petitioner to an extent of Rs.5,09,151/-. The



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petitioner denied the allegations. However, the authorities, based on the records and after conducting an inspection issued a Provisional Assessment order for theft of energy, which is impugned in the present writ petition.

3. High Court cannot conduct a roving enquiry in respect of the said allegation of theft of energy in writ proceedings under Article 226 of the Constitution of India. If at all the petitioner claims to be innocent, he has to establish the same by producing documents and by explaining before the competent authorities. In the present case, the Provisional Assessment order has been passed by the Assistant Executive Engineer and therefore, the petitioner has to approach the competent authority under the statute and Rules in force.

4. The learned Standing Counsel for the respondent Board made a submission that the petitioner had paid a considerable amount. While so, the authorities have to initiate further action to recover all interest. This being the counter claim of the respondent Board, all these issues are to be



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adjudicated before the competent authority with reference of the original documents and evidences.

5. In view of the facts and circumstances, the petitioner is at liberty to approach the competent authority for effective adjudication of the disputed facts with regard to the allegation of theft of energy.

6. In view of the above, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Neutral Order:Yes/No

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S.M.SUBRAMANIAM,J.

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