



W.P(MD)No.20583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20583 of 2022

and

W.M.P.(MD)No.14917 of 2022

P.Narasimman

... Petitioner

Vs.

- 1.The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
K.Pudur, Madurai-2.
- 2.The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Enforcement, Dindigul.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., (West)
Keela Vadakarai, Periyakulam,
Theni District.

4.K.Mohanram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertain to the impugned final order of the 3rd respondent, pass in OoSePo/Me/Peri/ENi2/A. No.076/2022 dated 12.08.2022 and quash the same as it arbitrary and illegal, as against Sec. 126 of the Electricity Act, 2003.



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For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.S.Deenadhayalan

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ORDER

Heard both sides.

2. The petitioner challenges the impugned order which has been passed by the third respondent under Section 126 of the Electricity Act, 2003. Section 126 (1) to (3) is as follows:-

Section 126: (Assessment): ---

(1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.

(2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

(3) The person, on whom an order has been served under sub- section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment of the electricity charges payable by such person.

3. In this case, the petitioner had offered his objection. However, he has not been afforded with a reasonable opportunity of hearing. The petitioner's objection was also not considered. On this sole ground, the order impugned in



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the writ petition is set aside. The matter is remitted to the file of the third respondent. The third respondent shall adhere to the procedure set out in Section 126(3) of the Electricity Act and pass final order. The amount already deposited by the petitioner will abide by the order to be passed by the third respondent.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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