



WP(MD)No.6050/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.6050/2014 &
MP(MD)No.1/2014

Rasalam

...Petitioner

Vs

1.The Superintending Engineer (Distribution),
Tamil Nadu Electricity Board,
Kanyakumari Division,
Parvathipuram, Nagercoil,
Kanyakumari District.

2.The Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Mulacheal, Thackalay,
Kanyakumari District.

3.The Assistant Engineer (Distribution),
Tamil Nadu Electricity Board,
Viyanoor, Viyanoor Post,
Kalkulam Taluk,
Kanyakumari District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to restore the supply of electricity to domestic service connection no.163-021-312 at Alamparaivilai, Viyanoor Post, Kalkulam Taluk, Kanyakumari District.



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WP(MD)No.6050/2014

For Petitioner : Mr.V.Paneer Selvam

For Respondents : Mr.S.Deenadhayalam
Standing Counsel

ORDER

The writ petition is filed for a mandamus directing the respondents to restore the supply of electricity to the petitioner's domestic service connection no.163-021-312 at Alamparaivilai, Viyanoor Post, Kalkulam Taluk, Kanyakumari District.

2. The learned counsel appearing for the petitioner submits that the respondent Board has disconnected the petitioner's service connection, without any reason. The respondent Board has neither issued notice nor conducted enquiry before disconnecting the service connection. The petitioner has paid all the charges without fail.

3. The learned Standing Counsel appearing for the respondent Board submits that the service connection no.163-021-312 at Alamparaivilai, Viyanoor Post, Kalkulam Taluk, Kanyakumari District was given to this petitioner under tariff 1A on 06.05.1988. This



WP(MD)No.6050/2014

petitioner has used the service connection to (i) 1 x HB metre (ii) a garden which is away from the his house and (ii) charge an inverter, which is kept in a nearby shop. This was deducted by Anti Power Theft Squad on a surprise inspection on 03.04.2013. Therefore, the respondent Board has issued notice under Form 11 as per Regulation 23 (AA)(22) for compounding of offence under Section 152 of the Electricity Act, 2003. The petitioner is also liable to pay penal charges to the tune of Rs. 12,720/-. Therefore, Provisional Assessment Order under Section 135/138 of the Electricity Act, 2003 was issued to him. Since he refused to receive, the same was pasted near the metre box in his house. Without challenging the above, the petitioner has filed this writ petition as if his domestic service connection was disconnected without following due process of law. This Court while entertaining this writ petition, has granted an interim order on 09.04.2014 to restore the service connection with a direction to the petitioner to pay a sum of Rs.5,000/-. The petitioner has paid the sum of Rs.5,000/- and the service connection was restored. The petitioner has to pay the balance sum of Rs.5,720/- as per the Provisional Assessment Order dated 05.04.2014.



WP(MD)No.6050/2014

4. The grievance of the petitioner is that no such Provisional Assessment Order was served on him. Considering the fact that this writ petition is pending from the year 2014, the learned Standing Counsel for the respondent Board is directed to serve a copy of the Provisional Assessment Order dated 05.04.2014 to the petitioner. The petitioner is also expected to furnish his reply to the Provisional Assessment Order, if any, within a period of three weeks from the date of receipt of a copy of this order. The respondent Board shall proceed in accordance with the provisions under Sections 135 and 138 of the Electricity Act, 2003 and pass necessary orders within a period of six months from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.03.2023

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

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WP(MD)No.6050/2014

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WP(MD)No.6050/2014

B.PUGALENDHI, J.

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WP(MD)No.6050/2014

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