



W.P(MD)No.27920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27920 of 2023

and

W.M.P.(MD)No.24023 of 2023

K.Viji Gokila

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO, Thirunelveli.

2.The Assistant Executive Engineer,
Distribution, TANGEDCO,
Thisayanvilai, Thirunelveli District.

3.Ajeeshkumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 2nd respondent in Letter No.AEE / D/ TSLY /F. Theft of Energy / D.No. 78/21 dated 12/10/2023, served on 15/11/2023 and quash the same.



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For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

Heard learned counsel for the petitioner and the learned standing counsel for the respondents 1 and 2. Notice is not issued to the third respondent, since the allegations made against him are not being gone into in this writ petition at this stage.

2.The petitioner is said to have committed energy theft. The petitioner had paid the compounding charges also. The petitioner's counsel would attempt to explain the circumstances in which the petitioner signed in the relevant form as well as made the necessary payment.

3.I do not want to go into the said issue. Normally when compounding charges are paid, it amounts to admission of guilt. But in



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this case, the learned counsel for the petitioner would claim that the version projected by the inspecting officials is inherently improbable.

4.This factual aspect cannot be gone into by me at this stage. The petitioner can very file an appeal before the first respondent. If such an appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. The first respondent will hold a personal enquiry. If the first respondent is satisfied that the energy theft could not have taken place in the manner projected by the second respondent, then notwithstanding the payment of compounding chargers which of course is not refundable, relief can be granted to the petitioner herein. All the defences of the petitioner are left open. The learned counsel for the petitioner states that he will file an appeal within the time limit mentioned above. If such an appeal is filed within fifteen days as mentioned above, the first respondent shall pass final on merits and in accordance with law within a period of two months thereafter. There shall not be any disconnection till then.



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G.R.SWAMINATHAN, J.

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5.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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