



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.2484 of 2024
& WMP.Nos.2712 & 2713 of 2024

Shri.Krishna Kumar Jhunjunwala

... Petitioner

Vs

1.TANGEDCO

Rep. by its Chairman and Managing Director,
Anna Salai, Chennai – 600002.

2.The Assistant Executive Engineer,
TANGEDCO, Kelambakkam,
Chengalpet District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the demand of a sum of Rs 1,14,493/- to be paid for the flat No. C4, 4th floor, OAK Tree Appartments, OMR, Kazhipattur, Thiruporur, Chengalpet district on or before 12.02.2024 pertaining to electricity consumption for service connection No.09 - 585 - 008-29 made in TANGEDCO official online payment portal by the 1st respondent and quash the same.

For Petitioner : Mr.T.P.Segar



WEB COPY



W.P.No.2484 of 2024

For Respondents : Mrs.Keerthana Shenoi
for Mr.L.Jai Venkatesh
Standing Counsel

ORDER

Mrs.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh accepts notice for the respondents/officials of the TANGEDCO and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner has challenged a demand of electricity in respect of Flat No.C4, 4th floor, OAK Tree Apartments, OMR, Kazhipattur, Thiruporur, Chengalpet District ('premises'/'premises in question') towards service connection No.09 -585-008-29 raised by the respondents.

3. The basis of the challenge is that the assessment in respect of which the demand relates is still provisional and yet to be finalized.

4. Mrs.Keerthana would accede to the position that the demand is pursuant to the provisional assessment order for misuse of energy under Section 126 of the Electricity Act, 2003 under Form 12 dated 08.12.2023. On instructions, she would state that the petitioner has tendered objections dated 07.01.2024 (dispatched on 10.01.2024) and that the proceedings for assessment are yet to be finalized.



W.P.No.2484 of 2024

5. In such circumstances, raising of demand even prior to finalization of assessment does not seem to be proper. Regulation 19 of the Electricity Supply Code provides for the procedure for finalization of assessment and demand has to be raised only after following such procedure.

6. In light of the above, there is a direction to R2 to call upon the petitioner, consider the submissions made as well as those already filed in writing and pass a final assessment order within a period of four (4) weeks from today. For a period of four (4) weeks or till passing of final assessment order whichever is earlier, the impugned demand of a sum of Rs.1,14,493/- shall be kept in abeyance.

7. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petitions are closed.

06.02.2024

Index : Yes / No

Speaking order

Neutral citations:Yes

sl

To

1.TANGEDCO

Rep. by its Chairman and Managing Director,
Anna Salai, Chennai – 600002.

2.The Assistant Executive Engineer,

TANGEDCO, Kelambakkam, Chengalpet District.

Dr.ANITA SUMANTH,J.



WEB COPY



W.P.No.2484 of 2024

S1

W.P.No.2484 of 2024
& WMP.Nos.2712 & 2713 of 2024

06.02.2024