



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.9705 of 2024
And
WMP No.10736 of 2024**

S.Sakthivel

.. Petitioner

-VS-

1.The Superintending Engineer,
TNEB, K.K.Nagar,
Chennai.

2.Assistant Divisional Engineer,
Nanganallur,
Chennai-600 061.

3.The Assistant Executive Engineer,
Moovarasanpet,
TNEB,
Madipakkam,
Chennai-600 091.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent's provisional assessment order dated 11.03.2024 quash the same consequently direct the respondents to restore the electricity connection No.264-654-868 after receipt of petitioner payment only for consumption charges.

For Petitioner : Mr.S.N.Subramani
For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

ORDER

The provisional assessment order demanding electricity consumption charges issued in proceedings dated 11.03.2024, is under challenge in the present writ petition.

2. The petitioner is in occupation of the residential premises at No.6, Kannan Nagar, 4th Cross Street, Nanganallur, Chennai-600 061. The petitioner states that the electric meter was defective, since from his occupation in the premises in December 2023. The petitioner has given



information to the respondent-TANGEDCO and waiting for installation of new meter and was ready to pay the consumption charges as determined by the respondent-TANGEDCO.

3. The Authorities during the inspection identified theft of electricity and initiated criminal action. Criminal case for theft of energy has been registered and under investigation. Meanwhile the respondents made provisional assessment of electricity consumption charges and issued impugned order to the petitioner to pay the same. Thus the present writ petition came to be instituted.

4. The learned counsel for the petitioner mainly contended that the petitioner has not committed any theft of energy. The provisional assessment made is exorbitant. Therefore, the order is to be set aside. However, this Court is of an opinion that it is a provisional assessment order and the disputed issues regarding theft is to be adjudicated in the manner known to law.



5. For the purpose of restoration of electricity service connection, the petitioner has filed an affidavit stating that he is ready and willing to settle the provisionally assessed electricity consumption charges to the tune of Rs.5,19,227/-. The petitioner has further stated that his two sons are studying degree courses in Chennai and he has to meet out their educational expenses. Thus the petitioner made a request to grant permission to pay the consumption charges by instalments.

6. The learned Standing Counsel for the respondent-TANGEDCO, made a submission that the regular electricity consumption charges are to be paid along with the provisional assessment charges made by the respondent-TANGEDCO to the tune of Rs.5,19,227/-.

7. The petitioner has agreed to settle the same without prejudice to the cases pending against him regarding theft of energy. The petitioner is at liberty to adjudicate the issues in the pending proceedings in the manner known to law.



8. For the purpose of restoration of electricity service connection the petitioner has to settle the provisional assessment charges as calculated by the respondent-TANGEDCO to the tune of Rs.5,19,227/- and the regular electricity consumption charges as determined by the respondent-TANGEDCO.

9. The affidavit filed by the petitioner states that he will settle the entire provisionally assessed consumption charges in seven instalments as detailed below:-

Rs.

1 st instalment on 05.04.2024	78,000/-
2 nd instalment on 05.05.2024	77,000/-
3 rd instalment on 05.06.2024	77,000/-
4 th instalment on 05.07.2024	77,000/-
5 th instalment on 05.08.2024	77,000/-
6 th instalment on 05.09.2024	77,000/-
7 th instalment on 05.10.2024	56,227/-

5,19,227/-

=====



10. The petitioner has further filed affidavit stating that he undertakes to pay the said amount without any default. In the event of any default on the part of the petitioner, the respondents shall disconnect the electricity service connection.

11. Considering the fact that the petitioner has agreed to settle the provisionally assessed consumption charges in seven instalments, as stated above, this Court is inclined to direct the respondents to restore the electricity service connection in the premises of the petitioner immediately.

12. In this regard, the learned Standing Counsel for the respondent-TANGEDCO shall inform the respondents to restore the electricity service connection immediately, on receipt of the first instalment of Rs.78,000/- from the petitioner.

13. The other instalments are to be paid punctually without any default along with regular electricity consumption charges. All other issues can be adjudicated in the criminal proceedings and other proceedings



pending before the Authorities.

14. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

Office to Note: Issue order copy on 08.04.2024.

To

- 1.The Superintending Engineer,
TNEB, K.K.Nagar,
Chennai.
- 2.Assistant Divisional Engineer,
Nanganallur,
Chennai-600 061.
- 3.The Assistant Executive Engineer,
Moovarasanpet,
TNEB,
Madipakkam,
Chennai-600 091.



WEB COPY



WP No.9705 of 2

S.M.SUBRAMANIAM, J.

Svn

WP 9705 of 2024

05-04-2024