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W.P.No.15089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.15089 of 2022
and
WMP.No.14304 of 2020

1. M/s. A Plus Export Pvt. Ltd.,
Represented by its Director Mr.Mohammed Habib,
26, 1st Street, Sidco Industrial Complex,
Ambattur, Pattravakam, Chennai – 600 098.

2. Mohammed Habib

...Petitioners

Vs.

The Assistant Executive Engineer,
Operation and Maintenance,
Ambattur Industrial Estate,
CEDC-West-TANGEDCO,
Chennai – 600 098.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records of the respondent in and connected with final assessment order passed under Section 135 of Electricity Act, 2003 dated 27.05.2022 in Letter No.AEE/O&M/ABT IE/F. No.TOE/D.No.227/2022 and quash the same.

For Petitioners : Mr.B.Satishsundar

For Respondent : Mr.L.Jai Venkatesh



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ORDER

This Writ petition has been filed seeking quashment of the final assessment order passed by the respondent dated 27.05.2022 in Letter No.AEE/O&M/ABT IE/F.No.TOE/D.No.227/2022 and quash the same.

2. The case of the petitioners is that the 1st petitioner is the private limited company registered and incorporated under the Indian Companies Act, 1956 and it was engaged in the business of manufacture and export of ready-made garments from the year 2012 and the 2nd petitioner is the Managing Director of the 1st petitioner entity and the factory was running at SIDCO Industrial Complex, Ambattur, Chennai by obtaining three phase Service connections from the respondent, vide service connection Nos.036-001-637 and 036-001-641, for industrial purpose, by making necessary security deposit. While so, due to loss in business, the factory was closed between 2016 and 2019 and the petitioners paid the minimum charges levied by the respondent for the said period without any default. In order to overcome the financial difficulties, the 1st petitioner decided to exploit the available space by letting out the same on lease and thereby, the 1st petitioner entered into a lease agreement with one M/s. Muthu Pharma for a period of



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six years, vide lease deed dated 23.04.2019 and the petitioners intimated the same to the respondent before the induction of the said tenant in the premises. In such circumstances, pursuant to the inspection made by the respondent officials in the petitioners' premises on 02.02.2022, alleging that there was a theft of energy, the respondent issued a computation in Form 8A dated 02.02.2022, holding that penal charges on account of unauthorised use of energy amounts to Rs.11,34,458/- along with compounding charges of Rs.92,000/- in respect of the electricity service connection which stands in the name of the 1st petitioner and Rs.12,54,808/- along with compounding charges of Rs.1 Lakh in respect of the electricity service connection which stands in the name of the 2nd petitioner and consequently, the service connections were disconnected by the respondent and the provisional assessment orders came to be passed on the very same day and subsequently, the final assessment order came to be passed on 09.02.2022. Challenging the same, the petitioners filed Writ petitions before this Court in WP.Nos.3467 & 3473 of 2022 and this Court, vide order dated 18.02.2022 disposed of the said Writ petitions with a direction to the petitioners to pay 50% of the demand amount and further directed the respondent to conduct personal hearing and to pass orders within a period of four weeks. Pursuant



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to the same, the present impugned order dated 27.05.2022 came to be passed directing the petitioners to pay a total amount of Rs.23,89,266/-. Challenging the same, the petitioners have come up with this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioners filed a memo stating that, during the pendency of this Writ petition, in compliance of the above said order of this Court dated 18.02.2022, the petitioners paid a total sum of Rs.17,91,550/- out of Rs.23,89,266/- and the balance amount to be paid by the petitioners amounts to only Rs.5,97,316/-, in which, the petitioners are ready to pay a sum of Rs.1,97,316/- within a period of four weeks and the balance amount of Rs.4,00,000/- by way of five equated monthly instalments and thereby, sought necessary directions of this Court to close the entire file as against the petitioners as no dues, upon receipt of the last instalment.

4. On the above said contentions heard learned counsel appearing for the respondent and perused the material documents placed on record.

5. In view of the fair submission made by the learned counsel for the



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petitioners, this Court, without interfering with the impugned order dated 27.05.2022 issued by the respondent, permits the petitioners to pay a sum of Rs.1,97,316/- within a period of four weeks from the date of receipt of a copy of this order i.e., on or before 13.09.2024 and the balance amount of Rs.4,00,000/- by way of two (2) monthly instalments, without any BPSC or interest or penalty. Further, the petitioners are directed to pay the monthly instalment on or before the 7th day of every English Calendar month and the 1st instalment starts on 07.10.2024. Upon receipt of the last instalment from the petitioners, i.e., on 07.11.2024, the respondent is directed to close the petitioners' file as no due.

6. With the aforesaid directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

13.08.2024
(2/2)

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

Note to office: Issue order copy on 20.08.2024.

M.DHANDAPANI, J.



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To

The Assistant Executive Engineer,
Operation and Maintenance,
Ambattur Industrial Estate,
CEDC-West-TANGEDCO,
Chennai – 600 098.

W.P.No.15089 of 2022
and
WMP.Nos.14303 & 14304 of 2020
(2/2)

13.08.2024

WMP.No.14303 of 2020
in

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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

13.08.2024

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skt