



WEB COPY

W.P.No.19657 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.07.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.19657 of 2024
& WMP.No.21515 of 2024

G.Senthil Nathan

.... Petitioner

vs

The Assistant Engineer,
TANGEDCO,
Madhavaram High Road,
Moolakadai, Chennai-60.

.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to consider the representation of the petitioner dated 10.07.2024 and to recall the extra levy charges imposed upon the petitioner's E.B. Connection service No.065-013-1453/IA.

For Petitioner : Mr.M.Kabilesh
For Respondent : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for respondent and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.



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2. The petitioner seeks a mandamus directing the respondent to consider his representation dated 10.07.2024 and to recall the extra levy charges imposed on service connection No.065-013-1453/1A.

3. Admittedly, there has been no demand for extra levy charges, as the Writ Petition is not for a certiorari for quash of the demand. It is only for a mandamus for disposal of the representation, wherein the petitioner puts forth his grievance in regard to the extra levy charges.

4. Mr.Jai Venkatesh, on instructions, would submit that tapping of meter was found during a surprise inspection by the vigilance squad on 10.07.2024 at 3.50 p.m. A mahazar was drawn up, compounding of offence has been made under Section 152 of the Electricity Act 2003 (Act) for the offence of theft of energy (direct tapping) under Section 135(1)(a) of the Act and one C.Nandhini, wife of the petitioner has also signed the documents. Thereafter, compounding charges have also been paid by the petitioner.

5. Provisional assessment order dated 10.07.2024 has also been made raising a demand of a sum of Rs.1,30,834/-, which grants the petitioner a week to file his objections. A copy of the provisional assessment order along with necessary enclosures is handed over to the learned counsel for the petitioner by the learned counsel for the respondent for onward transmission to the petitioner.



6. Thus, mandamus in this case is rendered unnecessary as rather than disposing his representation. It is appropriate that the petitioner makes a detailed objection to the provisional assessment.

7. Let the objections, if filed within a period of one (1) week from today, be looked into and a final assessment order be passed by the respondent, within a period of four (4) weeks from date of receipt of objections, after hearing the petitioner and in accordance with law. Let there shall be no disconnection of electricity, till 16.08.2024 or passing of final assessment order, whichever is earlier.

8. This Writ Petition is disposed in the aforesaid terms. No costs.
Connected Miscellaneous Petition is closed.

12.07.2024

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No
sl/mpl

To

The Assistant Engineer,
TANGEDCO,
Madhavaram High Road,
Moolakadai, Chennai-60.



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DR.ANITA SUMANTH, J.

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