



W.P.No.21038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.21038 of 2024

Kamaraj

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Petitioner

Vs.

1. The Chairman

Tamil Nadu Electricity Board

Anna Salai, Chennai – 600 002.

2. The Executive Engineer

Tamil Nadu Electricity Board

Anna Salai, Chennai – 600 002.

3. The Assistant Executive Engineer

Operation and Maintenance, Maduravoyal

Chennai Electricity Distribution Circle

Chennai West, Chennai – 600 095.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records relating to the assessment orders dated 12.07.2024 passed by the third respondent in;

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.427/2024

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.428/2024

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.429/2024

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.430/2024

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.431/2024

Letter No.AEE/O&M/Maduravoyal/F.Camp/D/No.432/2024

and quash the same and direct the respondents to pass revised final assessment orders by taking into consideration the petitioner's common objection dated 20.05.2024 and 06.07.2024.



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For Petitioner : Mr.D.Nellaiappan
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed challenging the final assessment orders dated 12.07.2024 and the order of the third respondent, thereby, after due enquiry, rejected the request made by the petitioner.

2. The petitioner availed electricity connection Nos.4022-003-859, 402-003-911, 02-003-842, 402-001-1295, 402-002-3 and 402-002-460 for the purpose of shooting television serials. On surprise inspection, the third respondent found that there was commission of theft of energy. The petitioner is alleged to have dishonestly abstracted, consumed and used energy, with an intend to defraud the respondents.

3. After enquiry, the impugned provisional assessment orders were passed and accordingly, assessing all the service connections, the respondents demanded a total sum of Rs.18,72,884/-. As per the



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assessment orders, the petitioner was directed to pay the said sum within a period of seven days.

4. The petitioner, on receipt of the provisional assessment orders, submitted objections dated 20.05.2024. The petitioner also challenged the provisional assessment orders before this Court in W.P.No.14438 of 2024.

5. This Court, by order dated 20.06.2024, directed the respondents to hear the petitioner, consider his objections dated 20.05.2024 and further objections if any made by the petitioner and pass final orders of assessment within a period of four weeks from the date of receipt of a copy of the order.

6. As directed by this Court, the petitioner submitted further objections dated 06.07.2024. On receipt of the same and after giving an opportunity of hearing to the petitioner, the third respondent passed the orders and also issued demand for all the six service connections in total to the tune of Rs.18,72,884/-.



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7. In the meanwhile, the petitioner also issued cheques in order to settle the said demand to the tune of Rs.18,72,884/-, since there was threat of disconnection of electricity service connections. But, all the cheques were returned dishonoured and the petitioner failed to honour the same.

8. The learned counsel for the petitioner would submit that though this Court directed the respondents to consider the objections dated 20.05.2024 and further objections if any and pass final orders, the third respondent, without considering the objections raised by the petitioner, passed the final assessment orders, demanding sum to the tune of Rs.18,72,884/-.

9. Perusal of the said orders passed by the third respondent dated 12.07.2024 would reveal that the objections submitted by the petitioner dated 20.05.2024, the further objections dated 06.07.2024, the documents furnished by the petitioner and the submissions of the petitioner were considered and only thereafter, the third respondent concluded that there was theft of electricity in all the six service connections.



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10. Therefore, the third respondent has rightly passed the assessment orders after giving an opportunity of hearing to the petitioner and after considering the objections raised by the petitioner and as such, there is absolutely no violation of the principles of natural justice.

11. It is also pertinent to note that the petitioner has used the premises for the purpose of shooting television serials by stealing electricity power of the service connections. Therefore, this Court finds no infirmity or illegality in the final assessment orders and the writ petition is liable to be dismissed.

12. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, W.M.P.No.22994 of 2024 is closed.

26.07.2024

Neutral Citation : Yes/No

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G.K. ILANTHIRAIYAN, J.

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