



WEB COPY



W.P.No.22389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.22389 of 2024 and
W.M.P.No.24386 of 2024

R.Prabakar

...Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.
2. The Assistant Executive Engineer,
TANGEDCO (O & M),
Angalakuruchi.
3. The Assistant Engineer (O & M),
Sethumadai (I/C),
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Pollachi.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order Lr.No.AEE/OM/A.Ku/Va.Aa.Ko.Court case A.No.159-1/2024 dated 24.06.2024 passed by the 2nd respondent herein and quash the same as illegal, arbitrary and against the Provisions of Electricity Act 2003.



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For Petitioner : Mr.S.Murugan

For Respondents : Mr.L.Jai Venkatesh, SC

ORDER

This writ petition has been filed seeking to quash the impugned order dated 24.06.2024 passed by the second respondent herein.

2. It is the case of the petitioner that the petitioner, an agriculturist, alleges harassment by electricity officials who inspected his premises in his absence, coerced a signature from his visually disabled farm worker, and demanded a compounding fee while threatening arrest. Despite paying commercial bills regularly, his connections were disconnected due to a disputed assessment of Rs.4,41,177/-. Due to non-payment of the demanded amount, the second respondent disconnected the petitioner's commercial service connection. Pursuant to the order of this Court, the petitioner paid 50% of the demand amount to the second respondent. However, without providing any opportunity to the petitioner, the second respondent has passed the final assessment to the tune of Rs.2,20,589/- vide proceedings dated 24.06.2024. Challenging the same, the present writ petition has been



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filed.

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3. The learned counsel for the petitioner submits that without the knowledge of the petitioner, the consequential assessment of Rs.4,41,177/- towards extra levy and collection of compounding charges of Rs.32,000/- was imposed on the petitioner which is illegal and against the tariff order issued by the Tamil Nadu Electricity Regulatory Commission. As the second respondent and their men threatened the petitioner's daily wage worker, the petitioner paid the compounding fees in order to avoid criminal case, which cannot be said that the petitioner admitted his guilt. Accordingly, he prayed for passing appropriate orders.

4. The learned standing counsel appearing for the respondents upon instructions submits that the petitioner was granted with two electricity service connections for the purpose of irrigation, which was misused for commercial purpose. Upon inspection, the Enforcement wing, Coimbatore came to know about the theft of electricity and having accepted the theft, the petitioner has paid the compounding fees in order to avoid criminal case.



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When a person has admitted his guilt and has paid the compounding fee, he cannot belatedly refuse to pay the consumptions charges levied by the second respondent. Hence, the impugned order passed by the second respondent cannot be interfered with.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. Admittedly, the petitioner obtained two electricity service connections for the purpose of agriculture. However, the said connections were misused for commercial purpose, which was detected by the electricity Board and upon accepting the guilt, the petitioner paid the compounding fees. It is rightly pointed out by the learned Standing counsel appearing for the respondents that when the petitioner accepted his guilt and paid the compounding fee, he cannot later refuse to pay the demand amount levied by the second respondent. Hence, the impugned order passed by the second respondent towards consumption charges, cannot be interfered with.



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08.08.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

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M.DHANDAPANI, J.

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