



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.33366 of 2022

M.Sakadevan

... Petitioner

Vs

1. The Chairman
TANGEDCO,
Anna Salai, Chennai-2.

2. The Superintending Engineer/KEDC,
TANGEDCO, Kallakurichi.

3. The Assistant Executive Engineer,
TANGEDCO, Kallakurichi.

4. The Junior Engineer,
O & M, Kallakurichi.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondents order in Letter No.Ku.A.No.Vu.SE.PO/Na/Kallai/Ko.Kattu/A No.164/2022-23 dated 17.10.2022 and quash the same and consequently direct the 4th respondent to refund the sum of totalling to Rs.2,07,235/- to the petitioner.



For Petitioner : Mr.R.Karunagaran
For Respondent : Mr.I.Syed Sibgatulla

ORDER

This petition has been filed seeking to quash the order passed by the 3rd respondents order in Letter No.Ku.A.No.Vu.SE.PO/Na/Kallai/Ko.Kattu/A No.164/2022-23 dated 17.10.2022 and consequently direct the 4th respondent to refund the sum of totalling to Rs.2,07,235/- to the petitioner.

2. The petitioner is having electricity connection bearing No.02-552-004-190 in the residence. On 29.04.2022, the respondents flying squad had conducted a sudden visit and found that there was a meter fault and they they themselves concluded that as there was a theft of energy by the petitioner. The respondents issued impugned order vide order dated 17.10.2022 by directing the petitioner to pay a sum of Rs.1,93,235/- for an extra levy charges and Rs.14,000/- for electricity due. Left with no other option, the petitioner has paid the entire amount. However, aggrieved over the same, the present writ petition has been filed seeking to quash the same.



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3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider and pass orders on the petitioner's representation within the stipulated time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that admittedly, there is no theft of electricity. However, the respondent has forced the petitioner to pay the fine. Therefore, without having any other option, the petitioner has paid the compounding charges. This Court may quash the impugned order and direct the respondents to return the amount which was collected from the petitioner.

5. The learned Standing Counsel appearing for the respondent submitted that the petitioner has accepted the guilt and paid the entire demand amount. Once the guilt is admitted by the petitioner and paid the amount, he cannot be claimed for refund of the amount. Hence, the writ petition is liable to be dismissed.



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

6. It is seen from the records that the petitioner has admitted his guilt and paid the compounding fee for a sum of Rs.1,93,235/- and at later point of time, the petitioner requested to refund the said amount to the petitioner. If the petitioner has any grievance in respect of the impugned order, he has to approach the appellate authority. Instead of doing that, the petitioner has filed the present writ petition which is not sustainable one.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

08.08.2024

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Index:Yes/No

Internet:Yes/No

Speaking/Non speaking



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To

1. The Chairman
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M.DHANDAPANI, J.

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