



WEB COPY



W.P.No.38243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38243 of 2024

L.Rajendiran

.....Petitioner

Vs

1.The Chairman

Tamilnadu Electricity Board, Anna Salai, Chennai-600
002

2.The Superintending Engineer

Tamilnadu Electricity Board, Chennai Electricity Distribution Circle/north,
Chennai-600 039

3.The Assistant Executive Engineer

Operation And Maintenance, Vyasarpadi Cedc/north,

Tamilnadu Electricity Board, Chennai-600 039 Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus ,to direct the respondents herein not to disconnect the Service connection Nos.067-010-180 and 067 -010-25 of the petitioner premises based on the objection submitted by the petitioner dated 2.12.2024.

For Petitioner : Mr.A.Tamilvanan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel (TNEB)



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ORDER

The writ petition is filed challenging the order passed by the 3rd respondent provisionally assessing energy charges under Rule 23 of Tamil Nadu Electricity Supply Code for theft of energy. On 16.11.2024, the 3rd respondent conducted inspection of the petitioner's premises and found a theft of energy committed by the petitioner by by-passing the electric meter. Therefore, a provisional assessment order was passed under Section 135 of Electricity Act r/w Rule 23 of Tamil Nadu Electricity Supply Code directing the petitioner to pay a sum of Rs.1,47,947. The petitioner was directed to pay compounding charges of Rs.6000/- In respect of other connection in the very same premises, the provisional assessment order was passed by directing the petitioner to pay a sum of Rs.2,38,907/-. Further, he was directed to pay compounding charges of Rs.4000/-. Immediately after service of the provisional assessment order, the petitioner has come before this Court seeking a direction to respondents not to disconnect the service connection.

2. When the writ petition is taken up for hearing, the learned counsel for the petitioner submits that power connection was already dis-connected



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and therefore, the respondents may be directed to pass final orders and restore the power connection to the petitioner's building. The learned counsel also expressed petitioner's willingness to pay 50% of the amount as assessed in the provisional order.

3. The 3rd respondent only passed provisional order directing the petitioner to pay the provisional assessment charges together with compounding charges. Till date, the final order has not been passed under Rule 23 of Tamil Nadu Electricity Supply Code. The learned counsel for the petitioner submits that petitioner has already submitted his objection to the provisional assessment made by the 3rd respondent and therefore, the 3rd respondent may be directed to adhere to the time schedule mentioned under Rule 23 of Tamil Nadu Electricity Supply Code and pass final orders within a time prescribed.

4. Taking into consideration the willingness expressed by the petitioner to pay 50% of the provisional assessment, the petitioner is directed to deposit 50% of the amount specified in the provisional assessment order passed by the 3rd respondent within a week from the date



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of receipt of copy of this order. On payment of the 50% of the amount, the respondent shall restore the power connection to the petitioner's house. The 3rd respondent is further directed to pass final orders by following the procedure established under Rule 23 of Tamil Nadu Electricity Supply Code within a period of two weeks from the date of deposit of the amount by the petitioner.

5. At this juncture, it is brought to the notice of this Court by the learned counsel for the respondent that number of the service connection is wrongly mentioned by the petitioner in the writ prayer as 067 -010-25 instead of 067-010-35 and the same is recorded.

6. With the above directions, this writ petition stands disposed of. No costs.

17.12.2024

Index:Yes/No
Internet:Yes/No
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S.SOUNTHAR, J.

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