



W.P.No.27775 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27775 of 2013

And

M.P.No.1 of 2013

1.Nazeer John
2.T.Balasundaram @ Manoharan ... Petitioners

Vs.

1.The Executive Engineer (O&M) North,
Kanchipuram
Tamilnadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Kanchipuram.
2.The Assistant Executive Engineer (O&M) Town,
Kanchipuram
Tamilnadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Kanchipuram. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in Proceedings Ka.No.Che.Po/Va/Ka/U.Po/KoNazeerJohn/No.025/13, dated 19.09.2013 and quash the same as illegal and without jurisdiction.



W.P.No.27775 of 2013

For Petitioners : Mr.V.Radhakrishnan
Senior Advocate
for M/s.K.Sasindran

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari calling for the records of the first respondent in Proceedings Ka.No.Che.Po/Va/Ka/U.Po/KoNazeerJohn/No.025/13, dated 19.09.2013 and quash the same as illegal and without jurisdiction.

2.The learned Senior Counsel appearing for the petitioners submitted that the first petitioner is the owner of the building and premises bearing Door No.57, Sheikpet Nadu Street, Kanchipuram Town and the first petitioner had obtained a three phase electricity service connection in her name in S.C.No.116. The second petitioner is the lessee of the said premises and is running a silk saree business. Whiles, the second respondent issued a show cause notice dated 11.12.2000 to the first petitioner alleging that on 28.11.2000 at about 5.15 p.m., the premises was inspected by the Officers of APTS Wing, MRT Wing and O&M Wing and during inspection it was found that there



W.P.No.27775 of 2013

was theft of energy and that the illegal obstruction consumption is punishable under Section 39 (1) and 44(1)(c) of Indian Electricity Act, 1910 and Section 484 of I.P.C., and that a Police complaint was lodged before the Vishnu Kanchi Police Station, Kanchipuram and the approximate loss is Rs.6,73,428/-.

3.The learned Senior Counsel appearing for the petitioners further submitted that pursuant to the show cause notice issued by the second respondent, the first respondent passed an order dated 29.09.2001 holding that there was theft of energy and that the extra levy payable by the first petitioner is Rs.6,73,428/- and aggrieved by the same, the first petitioner filed W.P.No.19911 of 2001 and this Court vide order dated 08.07.2010 allowed the said writ petition and remanded the matter back to the first respondent for passing fresh order, pursuant to which, the present impugned order was passed by the first respondent demanding extra levy of Rs.6,73,428/- and BPSC charges of Rs.15,55,618/- in total a sum of Rs.22,29,046/-.

4.The learned Senior Counsel appearing for the petitioners further submitted that the petitioner already paid a sum of Rs.6,73,428/- by way of 20 installments between October, 2013 and



W.P.No.27775 of 2013

May, 2015. Further this Court vide order dated 28.04.2021 in W.P.No.27775 of 2013 directed the petitioner to pay a sum of Rs.5 Lakhs, pursuant to which, the petitioner deposited a sum of Rs.5 Lakhs on 29.05.2021. The learned Senior Counsel further submitted that during the pendency of this writ petition, the criminal case in C.C.No.366 of 2003 on the file of learned Judicial Magistrate – I, Kancheepuram ended in acquittal on 08.09.2009. The learned Senior Counsel further submitted that once criminal case ended in acquittal, the demand made against the petitioner for the alleged loss is not sustainable one and further submitted that for the alleged loss, the electricity board have no power to demand BPSC charges and further submitted that BPSC charges can be demanded only in HT connection whereas, the petitioner obtained only LT connection.

5.Per contra, the learned Standing Counsel appearing for the respondents submitted that on 28.11.2000 a surprise inspection was conducted by the respondent board in S.C.No.116 during which theft of energy by tampering of seals in the meter was deducted for which a sum of Rs.6,73,428/- was levied as extra levy and a show cause notice dated 11.12.2000 was issued to the petitioner and the petitioner submitted explanation dated 30.12.2000. Further a criminal case was



W.P.No.27775 of 2013

filed by the respondent which culminated into C.C.No.366 of 2003 on the file of learned Judicial Magistrate – I, Kancheepuram and the learned Judicial Magistrate – I acquitted the petitioners vide judgment dated 08.09.2009. Since acquittal of a consumer in criminal case does not restrict the respondent board from recovering the loss incurred by the board in the form of civil liability, the first respondent after considering the explanation submitted by the petitioner, passed an order dated 29.09.2001 levying a sum of Rs.6,73,428/- to be paid by the petitioner in ten installments.

6.The learned Standing Counsel appearing for the respondents further submitted that challenging the order dated 29.09.2001, the petitioner preferred writ petition before this Court and this Court set aside the order dated 29.09.2001 and directed the respondent to issue fresh speaking order and in compliance of the order of this Court, a notice of hearing dated 14.03.2011 was issued to the petitioner and the first petitioner submitted her explanation dated 07.04.2011 and thereafter, the first respondent passed a detailed order dated 19.09.2013 against the petitioners levying a sum of Rs.22,29,046/- including BPSC charges and challenging the same, the petitioners filed this writ petition.



W.P.No.27775 of 2013

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7.The learned Standing Counsel appearing for the respondents further submitted that since the amount demanded in the order dated 19.09.2013 was not paid, S.C.No.116 was disconnected on 08.03.2021. This Court passed an interim order dated 28.04.2021 in this writ petition, directing the petitioner to pay a sum of Rs.5 Lakhs, pursuant to which, the service connection was reconnected on 29.04.2021 and the petitioner complied with the said interim order on 29.05.2021. The learned Standing Counsel further submitted that both the petitioners fall under the definition of the term 'Consumer' and the premises in which S.C.No.116 being supplied falls under the ambit of the terms 'Consumer Premises' and further submitted that if a consumer fails to give advance intimation of his intention to sell or lease out or otherwise dispose of the properties or business to which supply is given or contracted for he will continue to be liable to pay the charges for consumption and other charges due to the Board. Hence, the impugned order warrants no interference.

8.Heard the arguments advanced on either side and perused the materials available on record.



W.P.No.27775 of 2013

9. Admittedly, the first petitioner is the owner of the building and premises bearing Door No.57, Sheikpet Nadu Street, Kanchipuram Town and the first petitioner had obtained a three phase electricity service connection in her name in S.C.No.116. The second petitioner is the lessee of the said premises and is running a silk saree business. It is not in dispute that the first petitioner obtained LT service connection from the respondent board. On 28.11.2000 a surprise inspection was conducted by the respondent board in S.C.No.116 during which theft of energy by tampering of seals in the meter was deducted and a show cause notice dated 11.12.2000 was issued to the petitioner and the petitioner submitted explanation dated 30.12.2000.

10. Thereafter, the first respondent passed an order dated 29.09.2001 holding that the extra levy payable by the first petitioner is Rs.6,73,428/- and aggrieved by the same, the first petitioner filed W.P.No.19911 of 2001 and this Court vide order dated 08.07.2010 allowed the said writ petition and remanded the matter back to the first respondent for passing fresh order, pursuant to which, the present impugned order was passed by the first respondent demanding extra levy of Rs.6,73,428/- and BPSC charges of Rs.15,55,618/- in total a sum of Rs.22,29,046/-.



W.P.No.27775 of 2013

11.It is the contention of the learned Senior Counsel appearing for the petitioners that BPSC charges can be demanded only in HT connection whereas, the petitioner obtained only LT connection.

12.As per Regulation – 21 – Interest for delayed payment in respect of low tension supply – 21.01. Interest payable on any outstanding amount excluding interest component, if any, interest is payable from the date following the last due date for payment of any bill. No interest will be levied on interest; 21.03. In respect of other charges billed separately like compensation charges, penalty etc., if the charges are not paid within the period specified in the bill, interest will be charged 1.5% per month on the amount to be paid.

13.Admittedly, the respondent board made the demand on 29.09.2001 directing the petitioner to pay a sum of Rs.6,73,428/- in ten installments and the said order was set aside by this Court on 08.07.2010. Thereafter, the present impugned order was passed by the first respondent demanding extra levy of Rs.6,73,428/- and BPSC charges of Rs.15,55,618/- in total a sum of Rs.22,29,046/-. Even assuming that the petitioner is not liable to pay BPSC charges, the petitioner is liable to pay interest.



W.P.No.27775 of 2013

14.Perusal of records reveal that the petitioner has already paid the extra levy amount of Rs.6,73,428/- by way of 20 installments between 2013 and 2015 and pursuant to the conditional interim order granted by this Court on 28.04.2021 in W.P.No.27775 of 2013 directing the petitioner to pay a sum of Rs.5 Lakhs, the petitioner has deposited a sum of Rs.5 Lakhs on 29.05.2021. Hence, this Court directs the respondent board to adjust the amount of Rs.5 Lakhs deposited by the petitioner towards interest or compensation.

15.The writ petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

25.11.2025

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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9/10



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W.P.No.27775 of 2013

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