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W.P.No.18416 of 2025

In the High Court of Judicature at Madras

Reserved on : 08.8.2025	Delivered on: 12.8.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.18416 of 2025
& WMP.Nos.20624 to 20626 of 2025

AR.Rajesh Kannan

Vs

...Petitioner

- 1.The Chairman-cum-Managing
Director, Tamil Nadu Power
Distribution Corporation Ltd.,
NPKRR Maaligai, 144,
Anna Salai, Chennai-2.
- 2.The Director General of Police/
Vigilance, Tamil Nadu Power
Distribution Corporation Ltd.,
NPKRR Maaligai, 144,
Anna Salai, Chennai-2.
- 3.The Superintending Engineer
(Enforcement), Vigilance
Department, Tamil Nadu Power
Distribution Corporation Ltd.,
NPKRR Maaligai, 144,
Anna Salai, Chennai-2.
- 4.The Executive Engineer,
Head Quarters, Western Wing,
9th Floor, NPKRR Maaligai,



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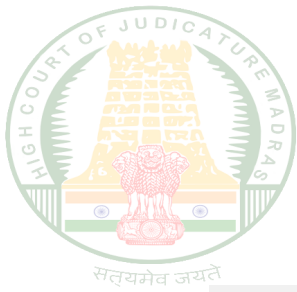
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144, Anna Salai, Chennai-2.

- 5.The Executive Engineer
(Enforcement), Chennai
Western Wing, 9th Floor,
NPKRR Maaligai, 144,
Anna Salai, Chennai-2.
- 6.The Assistant Engineer
(Enforcement), Vigilance
Department, Chennai
Western Wing, Tamil Nadu
Power Distribution Corporation
Ltd., NPKRR Maaligai,
144, Anna Salai, Chennai-2.
- 7.The Assistant Executive
Engineer (Enforcement),
Vigilance Department,
Tamil Nadu Power Distribution
Corporation Ltd., NPKRR Maaligai,
144, Anna Salai, Chennai-2.
- 8.The Assistant Engineer,
Maduravoyal Division,
Tamil Nadu Power Distribution
Corporation Ltd., NPKRR Maaligai,
144, Anna Salai, Chennai-2.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Bill No.Nil in respect of EB Service No.091660751581 to the tune of Rs.1,07,251/- towards reconnection charges, quash the same



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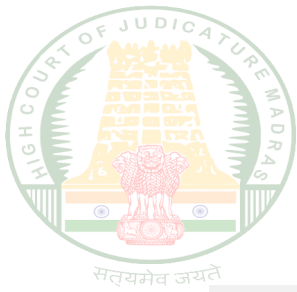
and consequently direct the 8th respondent to restore the electricity to EB service No.091660751581 for the property situated in No.9, Kovilpatti Gopalakrishnan Street, Karthikeyan Nagar, Maduravoyal, Chennai-600095 and direct them to follow due process of law.

For Petitioner	: Mr.T.R.Rajagopalan, SC for Mr.S.T.Bharathi Gowtham, Mr.S.A.Anban Bharathy & Ms.P.Kaushika
For Respondents	: Mr.P.Kumaresan, AAG for Mr.L.Jaivenkatesh, Standing Counsel

ORDER

This writ petition has been filed challenging the bill with respect to electricity service connection No.091660751581 to the tune of Rs.1,07,251/- towards reconnection charges and for a consequential direction to the eighth respondent to restore the electricity service connection for the property at No.9, Kovilpatti Gopalakrishnan Street, Karthikeyan Nagar, Maduravoyal, Chennai-95.

2. Heard the respective learned counsel appearing on either side.



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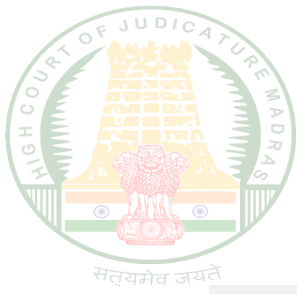
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3. The case of the petitioner is as follows :

(i) The petitioner is the owner of the subject property, which has a ground floor comprising of two portions with two separate electricity service connections. Both the portions are put to use for commercial purposes. The electricity service connections for both the portions were provided in the year 2020. The petitioner has been paying on an average of Rs.6,000/- for those two electricity service connections from 2020 onwards and he never defaulted in payment of the electricity bill.

(ii) On 04.4.2025, a person identified himself as one Mr.Arunkumar, who is the Assistant Engineer, Vigilance Department of the respondent Corporation, along with one Mr.Mohan, who identified himself as the Assistant Engineer, Maduravoyal Division of the respondent Corporation, visited the subject property for a surprise inspection. At that time, neither the petitioner nor the tenant was present in the subject property. They came at about 5.30 PM. Further, they did not even inform anyone.

(iii) After conclusion of the inspection, they engaged in a heated conversation with one of the employees of the petitioner, who was present near the subject property. They informed him that a direct



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power connection has been given to a common bath room and a tube light at the entrance by bypassing the electricity meter and that therefore, the petitioner would be liable to pay penalty. They also demanded that the petitioner had to pay a sum of Rs.1.75 lakhs towards penalty and another sum of Rs.12,000/- towards compounding the offences. They also threatened to register a first information report (FIR) against the petitioner if the said amounts were not paid immediately. Further, the electricity power supply was disconnected on 05.4.2025.

(iv) The petitioner protested stating that there was no such illegal connection as was alleged and that the allegation of theft of electricity was unsustainable. The petitioner was forced to pay a sum of Rs.4,000/- towards compounding the offences in order to avoid registration of an FIR against him. This had taken place without even serving a notice on the petitioner regarding compounding the offences as mandated under Regulation 23(AA)(22) of the Tamil Nadu Electricity Supply Code (for short, the Code). One of the employees of the petitioner paid the said sum of Rs.4,000/- and his signature was also obtained.



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(v) The petitioner alleges that there was a foul play on the part of the concerned respondents, that the procedure was not followed and that money was demanded from the petitioner. The impugned bill with respect to electricity service connection No.091660751581 was issued towards reconnection charges and the petitioner was insisted to pay the said amount, failing which, the electricity service connection would not be restored. It is under these circumstances, the above writ petition came to be filed before this Court.

4. The third respondent filed a counter affidavit wherein the following stand has been taken :

(i) The squad had conducted a surprise inspection, pursuant to which, it was found that from one of the electricity service connections in the subject property, the petitioner committed theft of electricity by giving direct connection to the common bathroom and a tube light. This was done by bypassing the electricity meter. Since this would amount to violating the provisions of Section 135 of the Electricity Act (for short, the Act), a working sheet, an observation mahazar and a provisional assessment order were prepared on 04.4.2025. As the petitioner was not present at the time of inspection, they were served



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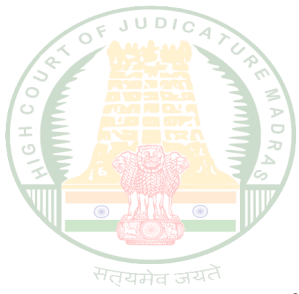
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on one Mr.R.Venkatesan, who acted as the representative of the petitioner when the surprise inspection was conducted on 04.4.2025.

(ii) It was also informed to the said Mr.R.Venkatesan as to whether it was agreeable to pay the compounding charges in accordance with Section 152 of the Act. The provisional assessment order that was addressed to the petitioner was also served even on the same day to the said Mr.R.Venkatesan. The compounding charges were paid by the petitioner through online mode. In view of the same, criminal proceedings were not initiated against the petitioner.

(iii) However, as the petitioner failed to pay the extra levy of Rs.1,03,633/- demanded vide the provisional assessment order dated 04.4.2025, electricity service connection No.091660751581 was disconnected on 05.4.2025 as per the norms. All the regulations were followed in letter and spirit and the issuance of the provisional assessment order and the collection of levy are only in accordance with Regulation 23(AA) of the Code.

(iv) That apart, the provisional assessment order dated 04.4.2025 is only a preliminary notice and the petitioner could submit his reply to the concerned official. Based on the reply, the petitioner would be given an opportunity of personal hearing in accordance with



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Regulation 23(AA)(12) of the Code and thereafter, a final assessment order would be passed. The petitioner, in order to re-avail the electricity supply, which was disconnected, must first deposit the assessed amount, which is adjustable as against the final assessment order. Accordingly, the third respondent sought for dismissal of this writ petition.

5. When the matter came up for admission on 16.5.2025, this Court, on hearing the learned Senior Counsel appearing on behalf of the petitioner, passed the following order :

"Heard learned Senior counsel for the writ petitioner.

2. Mr.L.Jai Venkatesh, learned Standing counsel takes notice for the respondents and seeks time to file counter.

3. The only question that calls for consideration is whether the interim direction for restoring the service connection to the petition mentioned property has to be granted.

4. The learned Senior counsel categorically stated that the petitioner/Assessee did not receive any Assessment order, but learned Standing counsel produced the copy of the



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Assessment Order issued in Form 9; it has been served on one Venkatesan. The petitioner states that he has nothing to do with said Venkatesan. In the documents now produced before this Court, Natarajan, petitioner's representative has affixed signature only in one document. He has not signed in "பார்வை மகஜர்"; or in the copy of the Assessment Order. This issue will have to be decided in the main writ petition. Supply of Electricity is a fundamental amenity. I, therefore, direct that the electricity service connection shall be restored to the petition mentioned premises. The petitioner's liability will abide by the outcome of the writ petition."

6. Pursuant to the above order, the electricity service connection has been restored in the subject property. Once again when the matter came up for hearing on 03.6.2025, this Court passed the following order :

"Additional affidavit has been filed by the petitioner pursuant to some of the documents that were furnished before this Court during the previous hearing. Very serious allegations have been made in the additional affidavit to the effect that some of those documents are fabricated and



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such forged and fabricated documents have been produced before the Court.

2. Considering the submissions made by the learned Senior Counsel and also considering the seriousness of the allegations made in the additional affidavit and the grounds that have been taken in the affidavit filed in support of the writ petition, the respondents will have to necessarily file a counter in this writ petition. Hence, post this writ petition on 19.06.2025."

7. Since the learned Senior Counsel appearing on behalf of the petitioner took a very specific stand that whatever documents were stated to have been prepared on 04.4.2025 were forged and fabricated documents and the same were never signed by the said Mr. R.Venkatesan, this Court directed the said Mr.R.Venkatesan to file an affidavit. Accordingly, the said Mr.R.Venkatesan filed an affidavit on 01.8.2025, the relevant portions of which are extracted as hereunder :

"2. I state that on 04.04.2025, the authorities came to the premises at No.9-Kovilpatti Gopalakrishnan St, Karthikeyan Nagar, Maduravoyal, Chennai - 600095 around 5:30 pm. The Petitioner, since he was traveling, instructed one of his employees (Mr.



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Balamurugan) to go to the premises I accompanied Mr.Balamurugan. I and Mr.Balamurugan managed to reach the premises only around 6:30 pm. By the time we reached the premises, the inspection was already concluded.

3. I state that the inspection was not conducted in the presence of either of us. The Respondent-officials, in our presence, spoke to the Petitioner (Mr.Rajesh Kannan) on call and unduly escalated the issue, and alleged that he committed theft of electricity. The officials threatened me and Mr.Balamurugan that we had to pay Rs.4000/- immediately, failing which a complaint in the police station would be made and that the electricity connection would be disconnected. The respondent said that we would be liable to pay around Rs.1.75 Lakhs and the same would be dealt with by them the next day in the morning. I state that, finally, Mr.Balamurugan paid Rs.4000/-, as demanded by the respondent officials. While Mr.Balamurugan was paying Rs.4000/- (which was later accounted for compounding fees), I was forced to sign on a receipt or documentation of sorts that the authorities held in their hand. Neither of us were given a copy of the document/paper I signed on. I state that I



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affixed my signature only once, and that too, on one paper.

.....

5. I state that on 16.05.2025, later in the evening, I was questioned by the petitioner as to the signatures affixed on the papers circulated by the respondents to this Hon'ble Court. I state further that it was explained to me by the petitioner that the learned counsel representing the respondents circulated to this Hon'ble Court a set of papers contending that the Inspection Notice, Computation Order in Form 8, Compounding Notice in Form 11, Provisional Assessment Order in Form 9 and Mahazar in the present case was served upon me (on the pretext that I was the authorised representative of the Writ Petitioner, viz., Mr. Rajesh Kannan), and contended that I affixed my signature in the said documents.

6. I state that subsequently when the aforesaid documents were perused and the petitioner sought explanation from me, I explained that I reached the site only after inspection and when I reached, the authorities forced me to sign in one piece of paper and had in fact refused to handover a copy of the said paper. I was shocked when I was told that the



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respondents informed this Hon'ble Court that I signed on the Inspection Notice, Compounding Notice in Form 11, Provisional Assessment Order in Form 9 and the mahazar.

7. I state that when I was shown the above set of papers, I was able to identify my signature on the 'inspection notice' alone. Further came as a shock when I found out that my alleged signatures in other documents are in fact forged. I state that, in Form 9 (Provisional Assessment Order) and Form 11 (Compounding Notice), the signature appearing above my name is not mine. Further, it is clear from a brief glance of the 'Mahazar' that the respondent officials have tried to forge my signature as it does not match my actual signature in any way. Thus, I came to know that all the other documents except the inspection notice were fabricated. Further, none of these documents were even served on me or Mr.Balamurugan."

8. The above affidavit of the said Mr.R.Venkatesan carried serious allegations of forgery and fabrication of documents. Therefore, the respondents wanted to file a reply to the above affidavit. Accordingly, a reply was filed by the third respondent on 08.8.2025.



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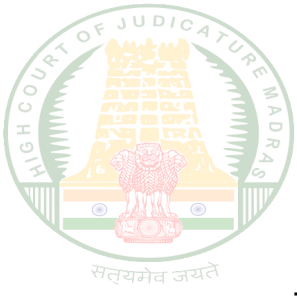
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9. For the reasons best known to the respondents, the reply, which ought to have been filed by respondents 6 and 8, was filed by the third respondent only based on documents.

10. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned bill.

11. In the case in hand, the so-called inspection that took place on 04.4.2025, pursuant to which, the notice of inspection, the working sheet, the demand notice for compounding the offences, the provisional assessment order and the observation mahazar have all been questioned on the ground that none of them was prepared in the presence of the said Mr.R.Venkatesan.

12. To substantiate the same, the said Mr.R.Venkatesan filed an affidavit before this Court, in which, he took a very specific stand that on 04.4.2025, he was not even there in the subject property, that one Mr.Balamurugan, who is an employee of the petitioner, was asked to go to the subject property after the inspection squad came to the

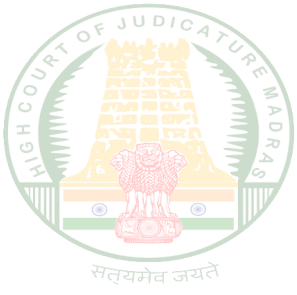


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premises, that the said Mr.Balamurugan along with the said Mr.R.Venkatesan were able to reach the premises only around 6.30 PM and that by then, it was informed that the inspection had been concluded. According to the said Mr.R.Venkatesan, the officials threatened the petitioner over phone by saying that he committed theft of electricity and the said Mr.R.Venkatesan and the said Mr.Balamurugan were made to pay the said sum of Rs.4,000/- immediately to avoid registration of the FIR against the petitioner.

13. The said Mr.R.Venkatesan has taken a very specific stand that he signed only in the inspection notice and that all the other signatures found in the provisional assessment order, the compounding notice and the mahazar were are forged signatures. This stand taken by the said Mr.R.Venkatesan is borne out by the original documents that have been placed before this Court. On perusal, it is seen that the signatures as contained in those documents are completely in variance and they did not reflect the signature of the said Mr.R.Venkatesan.



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14. When such a serious allegation was made before this Court, the least that was expected on the side of the respondents is to make the official, who went to the spot on 04.4.2025 to file the reply by denying those allegations and explaining to this Court as to what really had happened on the spot. For some strange reasons, those officials have not come forward to file the reply and it is only the third respondent, who filed the reply based on the documents. The third respondent can never speak about what happened on 04.4.2025 during the inspection, those documents, which were purported to have been prepared on the spot and the so called signatures of the said Mr.R.Venkatesan found in three of those documents.

15. This conduct of the respondents throws a lot of suspicion on the preparation of the provisional assessment order in Form 9, the compounding notice in Form 11 and also the mahazar that was prepared on the spot. It is quite unfortunate that those two officials, who are supposed to give clarity and specifically deny those allegations, have decided to stay out of these proceedings and made the third respondent to file the reply. This Court finds that the so-called inspection is shrouded in mystery. In view of the above, the

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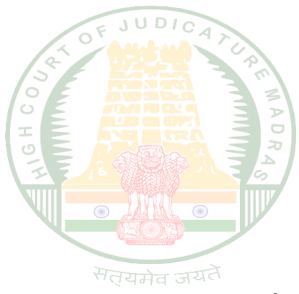
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very inspection that has been conducted on 04.4.2025 becomes a suspect.

16. Section 135(3) of the Act provides for inspection in the presence of the petitioner or any person on his behalf. Similarly, Regulation 23(AA)(6) of the Code provides for preparation of the inspection report with signatures to be obtained from the petitioner or his representative and a copy of the same must be handed over to the petitioner or his representative upon proper receipt. None of those procedures was followed in the present case. This is more so since the so-called service on the said Mr.R.Venkatesan, who is stated to be the representative of the petitioner, lacks genuineness due to the reasons stated supra.

17. It is also relevant to take note of Regulation 23(AA)(7) of the Code, which provides for the service of Form 8, which ought to have been served on the petitioner alone. Similarly, Regulation 23(AA)(8) of the Code provides for the service of Form 9 upon the petitioner alone on proper receipt. Admittedly, both Form 8 and Form 9 were not served on the petitioner and the so-called service on the said Mr.R.



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Venkatesan, who is stated to be the representative of the petitioner, also suffers from serious infractions as the signatures contained therein are found to be forged. Hence, the service of such notice cannot be said to be a valid service on the petitioner.

18. The payment of the compounding fee by the said Mr.R. Venkatesan and the said Mr.Balamuruan, who is an employee of the petitioner, was more on the threat of registration of the FIR before the police against the petitioner. That does not, in any way, justify the violation of the regulations in the service of notice on the petitioner as the fact remains that those signatures, which were found in the vital documents, are a clear suspect.

19. This Court finds that the impugned extra levy/demand is vitiated due to the above reasons and also due to the fact that the petitioner was denied the opportunity of hearing as mandated by Regulation 23(AA)(12) of the Code since there was a violation of Regulation 23(AA)(8) of the Code. The conspectus of the above discussions leads to the only conclusion that the impugned extra levy to the tune of Rs.1,07,251/- is liable to be interfered by this Court.



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20. Accordingly, the writ petition is allowed and the impugned extra levy is hereby set aside. The consequential relief sought for by the petitioner becomes infructuous since, even when the writ petition was entertained by this Court on 16.5.2025, this Court directed the electricity service connection to be restored, which has already been complied with. No costs. Consequently, the connected WMPs are closed.

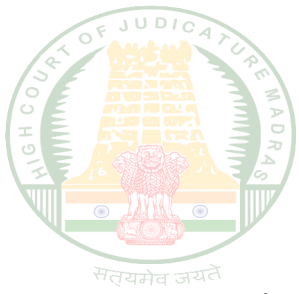
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Index : Yes/No
Neutral Citation : Yes/No

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