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Cont.P. No. 3348 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Contempt Petition No. 3348 of 2024

Mr.A.K. Chandran

..Petitioner

Vs.

Mr.E. Kannan
The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO/KEDC, Athimanjeripet,
Thiruvallur District – 631 202

..Respondent

Prayer: Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilfully disobeying the order dated 20.06.2024 passed by this Court in W.P. No. 34295 of 2023.

For Petitioner	::	Mr.R. Sathiyaraj
For Respondent	::	Ms.M. Sindhuzaa for Mr. L. Jai Venkatesh Standing Counsel

O R D E R

The contempt petitioner had filed W.P. No. 34295 of 2023



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challenging a pre-dated unnumbered final order alleging theft of energy and the consequent demand. That order was dated 24.04.2023. The writ petition came to be allowed by order dated 20.06.2024 and the text of that order reads thus:

'The petitioner has challenged an order dated 24.04.2023 issued by the 5th respondent. Though several grounds have been raised in the writ petition, the main ground raised and argued is one that appeals to the Court. Clearly, all is not well with the procedure followed by the authorities in the passing of the order impugned as well as the provisional assessment order.

2. The final assessment order impugned in this writ petition is in Form 10 and is dated 24.04.2023. The signature at the conclusion of the order, contains the date 24.05.2023, appended thereto. This document is placed at Page No.66 and 67 of the writ typed set. At page No.68, there is a copy of the provisional assessment order in Form 9 which is dated 26.04.2023.

3. Hence, the Court posed a query as to how the provisional assessment order could be dated two days anterior to the date of final assessment. The defence putforth is that there is a typographical error in the final assessment order.

4. The petitioner has obtained, under Right to Information Act, 2005 (RTI Act), a copy of the provisional and final assessment orders and several discrepancies are noted on a compariso of the Forms 9 & 10 annexed to the writ petition and those furnished under the RTI Act.

5. For starters, the provisional assessment order obtained under the RTI Act contains a number -D.No.103- in the reference, which is absent in the same document placed at Page No.68. Secondly, the enclosures number two in the copy obtained under RTI, whereas, there are three enclosures mentioned in the copy issued to the petitioner. Thirdly, copies of the order have been issued to three persons in the order furnished under RTI Act, and there are no copies marked to any persons in the same document placed at page No.68 of the typed set.

6. The date appended to the signature is also different in both the documents. While in the copy of provisional assessment order obtained under RTI, the signature contains the date 26/4, at page No.68, the



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document contains the date 26/04/23, appended to the signature .

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7. Clearly, there are two different versions of the same document, which indicates a very sorry state of affairs on the part of the respondents. For the aforesaid reasons, the impugned communication being Final Order Lr.No.AEE/O&M/A.J.Pet/CI/F.Theft of energy/D.No:/2023 dated 24.04.2023 on the file of the 5th respondent is quashed and this writ petition is allowed. No costs. Connected Miscellaneous petitions are closed.'

2. Close on the heels of the order dated 20.06.2024, a legal notice has been sent by one E. Vijayakumar, Government Pleader, Thiruvallur District, on the instructions of Assistant Executive Engineer, Operation and Maintenance, Thiruvallur District, who was arrayed as 5th respondent in the writ petition, reiterating the contents of the order dated 24.04.2023, despite the same having been quashed by order dated 20.06.2024. The notice concludes with a threat that if the amount of Rs. 1,08,121/- is not paid within 10 days, the petitioner would be liable to pay the amount with costs and expenses.

3. The Government Pleader has issued the notice simply on the instructions of the Assistant Executive Engineer who has clearly suppressed the order dated 20.06.2024 having been passed by this Court. To be noted, that order was passed in the presence of the Standing Counsel, whose name is printed in the order itself.



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WEB COPY 4. The first point is that legal notice dated 18.09.2024 is grossly misconceived and illegal. It is on the basis of this legal notice that the present contempt petition has come to be instituted by the petitioner on 16.10.2024.

5. When the matter came up on 07.02.2025, the same counsel who had appeared in the writ petition, had accepted notice on behalf of the respondent. In the interregnum, the Department appears to have instituted a writ appeal on 31.01.2025 challenging order dated 20.06.2024.

6. The writ appeal had come up on 03.03.2025 before the Division Bench and recording the submission of the Standing Counsel that the appellants had realized their mistake and were willing to pass fresh orders on merits, at paragraph No.3, the Division Bench has confirmed the order passed in the writ petition granting liberty to the appellants to pass fresh orders on merits and in accordance with law.

7. In the light of the aforesaid narration, it is clear that there was rank contempt of the directions under order dated 20.06.2024 by issuance of legal notice dated 18.09.2024 by the 5th respondent.



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WEB COPY 8. In such circumstances and based on the trajectory of events in the matter, the respondent is put on terms and shall remit costs of Rs.10,000/- (Rupees Ten Thousand only) payable to the contempt petitioner within a period of two weeks from the date of uploading a copy of this order in the official website of this Court.

9. With the above direction, the contempt petition stands disposed.

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Index: Yes/No

Neutral Citation: Yes/No

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