



WEB COPY

WP No. 21505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 21505 of 2025

D.K.Bhagavathi Nath
S/o. D.R. Kirubakara Morthi,
BBCL Stanburry
Villa No. 15
No. 56 MGR Road, Manapakam,
Chennai 600 125

Now Residing at
No. 12/31, Ragupathi Mahalakshmi,
1st Floor, Gopal Street, T Nagar,
Chennai 600 017.

..Petitioner(s)

Vs

1. The Superintending Engineer
Chennai Electricity Distribution Circle/South
110 KV K.K.Nagar, First Floor,
SS Complex, Anna Main Road, Chennai 78
2. Assistant Executive Engineer / O and M
Chennai Electricity Distribution Circle /
South 1, Ramapuram,
Chennai
3. Assistant Executive Engineer
Chennai Electricity Distribution Circle/ South I
110 KV, K.K.Nagar, First Floor, SS Complex,
Anna Main Road, Chennai 78

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned “Final Assessment” in



Lr No. AEE/ O and M /Ramapruam /F. TOE/D. No. 901 dated 17.03.2023 made in respect of the petitioner's service connection No. 261-015-2048 made by the 2nd respondent herein , quash the same and consequently direct the 2nd respondent herein to reimburse the two times Extra levy of penalty amount of Rs.50,470/- levied on petitioner's service connection No. 261-015--2048 consequently direct the 1st respondent herein to conduct enquiry in respect of the missing Meter No. 0371153 and take action within a stipulated period.

For Petitioner(s): Mr.Sanjeev Kumar

For Respondent(s): Ms. Keerthana R.Shenoi,
Standing Counsel

Order

This writ petition has been filed for the following relief:

“ To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned “Final Assessment” in Lr No. AEE/ O and M /Ramapruam /F. TOE/D. No. 901 dated 17.03.2023 made in respect of the petitioner's service connection No. 261-015-2048 made by the 2nd respondent herein , quash the same and consequently direct the 2nd respondent herein to reimburse the two times Extra levy of penalty amount of Rs.50,470/- levied on petitioner's service connection No. 261-015--2048 consequently direct the 1st respondent herein to



conduct enquiry in respect of the missing Meter No. 0371153 and take action within a stipulated period.”

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2. The petitioner had a service connection bearing No.261~015~2048 which has been active since August 2019. Later, the petitioner was informed that there was an arrear of Rs.44,084/~. The petitioner disputed the claim that he had not used any electricity from the said service connection. Thereafter, the petitioner made several inquiries with the 2nd respondent and also filed RTI requests, through which he identified some discrepancies in the records.

3. In an earlier writ petition filed by the petitioner in W.P.No.4255 of 2023, this Court had passed the following order on 14.02.2023:

“12. Let the 2nd respondent give an opportunity of hearing to the petitioner and thereafter consider the representation given, and the documents if any, submitted by the petitioner and then come to a considered decision and then pass the final Assessment Order.

13. The said exercise by the 2nd respondent should be completed on or before 17.03.2023.

14. The Writ Petition stands disposed of.”



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4. This Court had directed the 2nd respondent to give an opportunity of personal hearing to the petitioner. However, a perusal of the impugned order would indicate that no such opportunity has been given. The non-application on the part of the 2nd respondent is evident from a mere reading of the impugned letter dated 17.03.2023.

“4.0 On a detailed examination and on consideration of your explanation offered, facts and records furnished in your letter/ during the personal hearing, it is found that the theft of electricity has been committed by you as described below:

(A reasoned / detailed order to be passed by the officer concerned taking into consideration the theft of electricity noticed, explanation and the findings. Reference to be made to the materials in support of the claim of the licensee about the existence of theft, the involvement of the role of the consumer with reference to the said theft of energy, submissions made by accused person in his written reply as well as during his personal hearing and reasons for acceptance or rejection of the same)”



5. In the light of the above, the impugned order dated 17.03.2023 is set aside and the writ petition is allowed. The matter is remitted back to the 2nd respondent for fresh consideration. The 2nd respondent shall positively afford an opportunity of personal hearing to the petitioner and thereafter pass a reasoned order within a period of two months from the date of receipt of a copy of this order. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Superintending Engineer
Chennai Electricity Distribution Circle/South 110 KV K.K.Nagar, \\
First Floor,
SS Complex, Anna Main Road, Chennai 78

2. The Assistant Executive Engineer / O and M
Chennai Electricity Distribution Circle /
South 1, Ramapuram,
Chennai

3. The Assistant Executive Engineer
Chennai Electricity Distribution Circle/ South I 110 KV, K.K.Nagar,
First Floor, SS Complex, Anna Main Road,
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