

Madras High Court

S.Giridharan vs The Assistant Executive Engineer on 18 February, 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2010

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P. NO.2523 of 2010  
and  
M.P.Nos.1 and 2 of 2010

S.Giridharan .. Petitioner

Versus

The Assistant Executive Engineer  
Operation and Maintenance  
K.K.Nagar, South  
Chennai Electricity Distribution Circle South  
Chennai 600 078. .. Respondent

PRAYER: Writ petition has been filed under Article 226 of The Constitution of India to

For Petitioner : Mr.K.Natarajan  
For Respondent : Mr.A.Selvendran

\* \* \* \* \*

O R D E R

This writ petition has been filed by the petitioner challenging the final assessment order, dated 30.1.2010, passed by the respondent.

2.The main contention of the learned counsel appearing on behalf of the petitioner is that the respondent had passed the final assessment order, without passing a provisional assessment order and without giving an opportunity to the petitioner to raise his objections to such assessment. As such, the respondent had not followed the procedure contemplated, under Section 126 of the Electricity Act, 2003.

3.At this stage of the hearing of the writ petition, Mr.A.Selvendran, the learned counsel appearing

on behalf of the respondent had submitted that the petitioner would be issued with a provisional assessment order for which he could file his objections. Thereafter, the petitioner would be given a reasonable opportunity, before a final assessment order is passed.

4. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, the impugned order of the respondent, dated 30.1.2010, is set aside. However, it would be open to the respondent to pass a provisional assessment order and thereafter, the respondent may pass a final assessment order, after giving an opportunity to the petitioner to raise his objections and after a reasonable opportunity of hearing is given to him.

5. Accordingly, the writ petition is disposed of, with the above directions. No costs. Consequently, connected M.Ps are closed.

To The Assistant Executive Engineer Operation and Maintenance K.K.Nagar, South Chennai  
Electricity Distribution Circle South Chennai 600 078