

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:7-9-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.16600 of 2015

Pani Enterprises
Rep. by its Proprietors A.Mariadoss
S/o.M.Arockiam
Old No.279m, New No.90/3,
Suryanarayana Street, Kasimedu Fishing Harbour
Royapuram,
Chennai-13.

...Petitioner

Vs.

1. The Supervising Engineer
Tamilnadu Electricity Department,
No.800, Annasalai EB Avenue
Mount Road Opposite LIC
Chennai-2.
2. The Executive Engineer,
Tamilnadu Electricity
Thandiarpet Circle
TNEB/CEDC/North
805, T.H.Road,Tondiarpet,
Chennai-81.
3. The Assistant Engineer
O&M, New Washermenpet
TNEB/CEDC/North
Chennai-81.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records pertaining to the order letter No.AE/O&M/NWPT/F/LTCT/D-
640/2014/Dt:28.02.2015 by the third respondent and quash the same.

For Petitioner : No appearance

For Respondents : Mr.P.R.Dhilipkumar for TNEB

ORDER

The matter has been posted for dismissal. However, there is no representation on behalf of the petitioner. Though the matter can be dismissed for default, taking into the consideration of the contention made by Mr.Dhilipkumar, the learned counsel appearing for the respondent, this Court passes the order on merits.

2. The petitioner challenged the demand letter dated 28.02.2015, demanding a sum of Rs.13,48,231/- towards maximum demand penalty. The petitioner already filed another W.P.No.18073 of 2015, forbearing the respondent from demanding Maximum demand penalty in respect of service connection No.003-002-630/Tariff-IIIB installed at the premises Old No.279 M2 New No.90/3. Suryanarayana Street, Kasimedu Fishing Harbour, Royapuram, Chennai-600 013. The said writ petition was disposed of by this Court on 24.6.2015, directing the petitioner to pay a sum of Rs.3,00,000/- towards first instalment within a period of one week from the date of receipt of a copy of the order and on such payment, the electricity supply shall be restored to the petitioner's premises. Insofar as the remaining amount of Rs.10,47,231/- is concerned, the petitioner, shall pay the same in monthly instalments on or before 5th of every English calender month at the rate of Rs.1,00,000/-. Paragraphs 5 and 6 of the order, read as follows:

"5. This Court in the facts and circumstances, especially the fact that the petitioner is running an industry, is disposing of the writ petition by permitting the petitioner to pay the impugned demand of Rs.13,47,231/- dated 28.02.2015 in monthly instalments.

6. Accordingly, the petitioner shall pay a sum of Rs.3,00,000/- towards first instalment within a period of one week from the date of receipt of a copy of this order and on such payment, the electricity supply shall be restored to the petitioner. Insofar as the remaining amount of Rs.10,47,231/- is concerned, the petitioner shall pay the same, in monthly instalments, on or before 5th of every English calender month at the rate of Rs.1,00,000/- and the last instalment at the rate of Rs1,47,231/-. The petitioner shall also pay the current consumption charges to the second respondent."

3, Having obtained the order dated 24.6.2015 made in W.P.No.18073 of 2015, the petitioner has not chosen to comply with the order. Since in W.P.No.18073 of 2015, an order has already been obtained by the petitioner, no order is necessary in this writ petition.

4. The writ petition is disposed of. While disposing of the writ petition, it is made clear that it is always open to the petitioner to comply with the order passed by this Court in W.P.No.18073 of 2015 dated 24.06.2015 and on such compliance, the respondent shall restore the electricity service connection to the petitioner premises. The writ petition is disposed of. No costs. Consequently the connected M.P.Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vk

To

1. The Supervising Engineer
Tamilnadu Electricity Department,
No.800, Annasalai EB Avenue
Mount Road Opposite LIC, Chennai-2.
2. The Executive Engineer,
Tamilnadu Electricity
Thandiarpet Circle, TNEB/CEDC/North
805, T.H.Road, Tondiarpet,
Chennai-81.

3. The Assistant Engineer
O&M, New Washermenpet
TNEB/CEDC/North, Chennai-81.

1 CC to Mr.P.R.Dhilipkumar, Advocate SR.No. 48537

W.P.No.16600 of 2015

RSK (CO)

PSI (01.10.2015)