

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 18-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16782 OF 2015

A.Arumugam

...Petitioner

-VS-

1. The Tamil Nadu Generation and Distribution Corporation Ltd.,
rep.by the Assistant Manager,
O&M/Cooks Road,
TNEB/Central,
No.47, Cooks Road,
Chennai-600 012.

2. The Accounts Officer,
Tamil Nadu Electricity Board,
Egmore Revenue Branch Officer,
Chennai - 600 008.

...Respondents

Writ Petition has been filed, praying for issuance of a writ of mandamus, directing the first respondent to restore electricity service connection No.01-145-038-555 at Flat No.107, Premier Grahalakshmi Apartments, New No.71, Old No.42, Perambur High Road, Chennai-600 012, belonging to the petitioner, and comply with order of this Hon'ble Court in W.P.No.7189 of 2013, dated 08.04.2013.

For petitioner : Mr.Niranjana Rajagopalan,
for M/s.G.R.Associates.

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

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O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would state that he is a resident of Plot, Old No.42, New No.71, Perambur High Road, Chennai-600 012, and having an electricity service connection vide No.01-145-038-555

from the year 1997. He would further state that till the year 2008, he was receiving a bill of about Rs.1000/- for consumption of 450 units, but, from the second half of the year 2008 and the first half of the year 2009, erratic readings were recorded, in which regard, he submitted a representation to the first respondent on 17.04.2009 to inspect the meter and rectify the defect and, thereafter, a new meter was fixed, but, in spite of the same, the problem continued to persist.

3. It is the further case of the petitioner, that, in December, 2009, he received a notice from the respondents, claiming a sum of Rs.36,847/-, and he protested to the quantum of the amount and also submitted a representation, dated 21.04.2012, to the second respondent, to pay the same in instalments and paid some amount under protest also; however, the first respondent, on account of non-payment of electricity charges, which according to the petitioner are exorbitant and arbitrary, disconnected the electricity supply to the premises of the petitioner, stating that the petitioner is in arrears of Rs.41,043/-. The petitioner challenged the action of the first respondent by filing W.P.No.7189 of 2013, whereupon, pursuant to an interim direction, electricity was restored to the premises of the petitioner and the writ petition was disposed of vide the order dated 08.04.2013, observing, inter alia, that it was open to the respondents, namely, TANGEDCO, to send a communication to the petitioner calling upon him to make payment, and, on doing so, it was open to the petitioner to give a reply and, thereafter, the respondents should proceed with the matter further in accordance with law.

4. The grievance of the petitioner is, that, in gross violation of the above said order and without adhering to the principles of natural justice, electricity supply was suddenly disconnected on 05.06.2015 and, hence, he came forward to file this Writ Petition.

5. Mr.Niranjan Rajagopalan, learned counsel for the petitioner, has drawn the attention of this Court to the typed set of papers and submitted that, even at the earliest point of time, the petitioner brought to the notice of the respondents about the erratic recording of the meter and since no proper steps were taken to instal the meter with a good working condition, exorbitant amount has been claimed by the respondents towards the electricity consumption charges, for which the petitioner is not at all at fault. He would further submit that the respondents had given a total go-by to the final order of this Court dated 08.04.2013, made in W.P.No.7189 of 2013, and, therefore, the impugned order is per se unsustainable and, accordingly, he prays for interference of this Court.

6. Conversely, Mr.P.R.Dhilipkumar, learned Standing Counsel, who takes notice on behalf of respondents 1 and 2, would submit that the first respondent/Assistant Engineer, O&M, TNEB, Chennai-12, had sent a notice, dated 19.08.2013, to the petitioner, calling upon him to appear for enquiry on 26.08.2013 at 11.00 a.m., and though it was received by the petitioner, he did not appear for the said enquiry, and since the petitioner has neither paid the arrears nor the current consumption charges, the electricity supply has been rightly disconnected to the premises of the petitioner and he prays for dismissal of the Writ Petition.

7. This Court, while disposing of W.P.No.7189 of 2013 vide order dated 08.04.2013, had observed that it was open to the respondents therein to put the petitioner on notice, to which the petitioner might submit a reply, and, thereafter, the respondents should proceed further in accordance with law.

8. It is the submission of the learned counsel for the respondents that though notice was served on the petitioner, the petitioner did not appear for enquiry, but the fact remains that the acknowledgement for service of notice on the petitioner is not made available.

9. What may, the petitioner is having a domestic electricity service connection and, according to the learned counsel for the petitioner, the family of the petitioner consists of four members, and, the petitioner, who is aged about 68 years, suffers from heart ailment and that, for want of basic amenities, such as electricity, the petitioner as well as his family is suffering very much and he prays for immediate restoration of electricity supply.

10. Learned Standing Counsel appearing for the respondents would submit that the petitioner has to pay a sum of Rs.52,722/- towards previous and current consumption charges, which include the belated payment, surcharge etc., and, in all, he has to pay a sum of Rs.2,08,673/-.

11. This Court, taking into consideration the above facts and circumstances of the case, directs the petitioner to pay a sum of Rs.20,000/- out of Rs.52,722/- within a period of one week from the date of receipt of a copy of this order, on which payment, the respondents shall restore the electricity connection forthwith to the premises of the petitioner, and, thereafter, the petitioner shall pay the remaining amount of Rs.32,722/- within a period of four weeks. It is made clear that if the petitioner fails to comply with the payment of balance amount of Rs.32,722/- within the time stipulated, it shall be open to the respondents to proceed against the petitioner further in accordance with law.

12. This Court, with regard to the claim of Rs.2,08,673/- made by the respondents, directs to issue a notice to the petitioner within a period of two weeks from today and, on receipt of the same, it is open to the petitioner to submit his reply within two weeks and, thereafter, the respondents shall consider the reply submitted by the petitioner and pass orders in accordance with law within a period of two weeks.

13. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Manager,
Tamil Nadu Generation and Distribution Corporation Ltd.,
O&M/Cooks Road,
TNEB/Central,
No.47, Cooks Road,
Chennai-600 012.
2. The Accounts Officer,
Tamil Nadu Electricity Board,
Egmore Revenue Branch Officer,
Chennai - 600 008.

1 CC to M/s.G.R.Associates, Advocate SR.No. 30013

1 CC to Mr.P.R.Dhilipkumar, Advocate SR.No. 30015

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W.P.No.16782/2015

SVI (CO)
PSI (22.06.2015)