

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 24634 of 2015

&

M.P. No. 1 of 2015

J. Amali Victoria

..Petitioner

Vs.

1. The Chairman,
TANGEDCO Ltd.,
(TNEB), No. 800,
Anna Salai, Chennai -2.
 2. The Superintending Engineer,
(TNEB), TANGEDCO Ltd.,
CEDC/North, 144, Anna Salai,
Chennai - 600 002.
 3. The Executive Engineer (O&M),
(TNEB), TANGEDCO Ltd.,
No.75, Paper Mills Road,
Perambur, Chennai - 600 011.
 4. The Assistant Executive Engineer (O&M),
(TNEB), TANGEDCO Ltd.,
Sembium, CEDC/North,
Chennai - 600 011.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the impugned notice passed by the 4th respondent in Lr.No. AEE/O&M/Sembium/F. General/D.147/15 dated 06.04.2015 and quash the same, consequently direct the respondents to consider the representation of the petitioner dated 15.04.2015.

For Petitioner :: Mr.S. Arun Prasad
For Respondents :: Mr.P.R. Dilip Kumar

O R D E R

This writ petition is filed for issue of a Writ of Certiorarified Mandamus challenging the impugned notice passed by the 4th respondent in Lr.No. AEE/O&M/Sembium/F. General/D.147/15 dated 06.04.2015 and consequently direct the respondents to consider the

representation of the petitioner dated 15.04.2015.

2. The petitioner's husband is running a Polythene Cover Manufacturing Unit under the name and style of M/s. J.P.R Plastics in a portion of the residential premises bearing No. 90, Nagavalli Amman Koil Street, Vyasarpadi, Chennai - 11. There is also another unit at No. 23, Anna Nagar, I Street, Vyasarpadi, Chennai - 600 039. The petitioner had obtained two electricity service connections bearing Service Connection No. 065-01-649 and 065-01-893 for her husband's Company Unit situated at No. 3/90, Nagavalli Amman Koil Street, Vyasarpadi, Chennai - 39; another Service Connection bearing No. 065-01-661 for his shop premises in the above address and one more electricity Service Connection bearing No. 065-001-903 for her husband's another Company Unit situated at No.23, Anna Nagar, I Street, Vyasarpadi, Chennai. According to the petitioner, all electricity service connections obtained for house as well as for the Company are in the name of the petitioner. The petitioner further states that her husband was prompt in paying the monthly current consumption charges to the respondents. While so, alleging that there was theft of energy, to the tune of Rs.12 lakhs, the respondents demanded immediate payment of the said amount. Since the petitioner's husband refused to pay the amount, which according to him, was wrongfully imposed, two FIRs were registered in Crime Nos. 119 & 120 of 2009 with regard to service connection of the petitioner's premises situated at (i) No. 23, Anna Nagar, I Street, Vyasarpadi, Chennai and (ii) No. 3/90, Nagavalli Amman Koil Street, Vyasarpadi, Chennai respectively. Subsequently, the above Service Connections were also disconnected by the respondents. Hence, the petitioner approached this Court in W.P. Nos. 5803 of 2009 and 5804 of 2009 for restoration of Service Connections at Door No. 23, Anna Nagar, 1st Street, Vyasarpadi, Chennai - 39 & Door No. 3/90, Nagavalliamman Koil Street, Vyasarpadi, Chennai - 39 and the said writ petitions were disposed of by order dated 23.04.2009 directing the petitioner to pay a sum of Rs.5 lakhs for restoration, in respect of each Service Connection, within a period of two weeks from the date of receipt of a copy of this order and further observing that the said direction is subject to the outcome of the criminal proceedings initiated. According to the petitioner, she duly complied with the deposit of Rs.10 lakhs for restoration of disconnected service connections. But, the respondents, who have been keeping quiet all along, suddenly, issued a notice dated 07.03.2015 intimating the petitioner to pay a sum of Rs.2,08,546/-, which is the balance amount payable by the petitioner along with Belated Payment Service Charges within 15 days from the date of the said notice failing which it was stated in the said notice that the said amount would be included in the Current Consumption bill of the respective service connections. The petitioner sent a reply notice dated 23.03.2015 and thereafter, again, the impugned notice dated 06.04.2015 was issued by the 4th respondent stating that the said arrears would be included in the petitioner's respective service connection CC bills. Though the petitioner sent a representation

dated 15.04.2015 to the 4th respondent seeking an opportunity of personal hearing before the appropriate authority to challenge the penal charges imposed in the provisional assessment passed against the petitioner, without considering the said representation, the arrear amount has been included in CC bills of petitioner's respective service connections. Hence, the present writ petition.

3. Heard Mr. S. Arun Prasad, learned counsel for the petitioner and Mr.P.R. Dilip Kumar, learned counsel for the respondents.

4. A perusal of the order passed by this Court on 23.04.2009 in W.P. Nos. 5803 & 5804 of 2009 would make it very clear that the petitioner had been directed to pay a sum of Rs.10 lakhs as a pre-condition for restoration of the disconnected service connections and it was also observed by this Court that the said direction is subject to the outcome of the pending criminal proceedings. Admittedly, the petitioner paid the sum of Rs.10 lakhs and the electricity connections have also been restored. But, the criminal proceedings initiated are yet to be over. When such is the position, in view of the order passed by this Court in W.P. Nos. 5803 & 5804 of 2009, the respondents cannot direct the petitioner to pay the balance amount of Rs. 2,08,546/- by virtue of the impugned proceedings. Therefore, the impugned proceedings are quashed and the writ petition is allowed reserving the right of the respondents to recover the balance amount after the disposal of the criminal proceedings. No costs. Connected M.P. is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

To

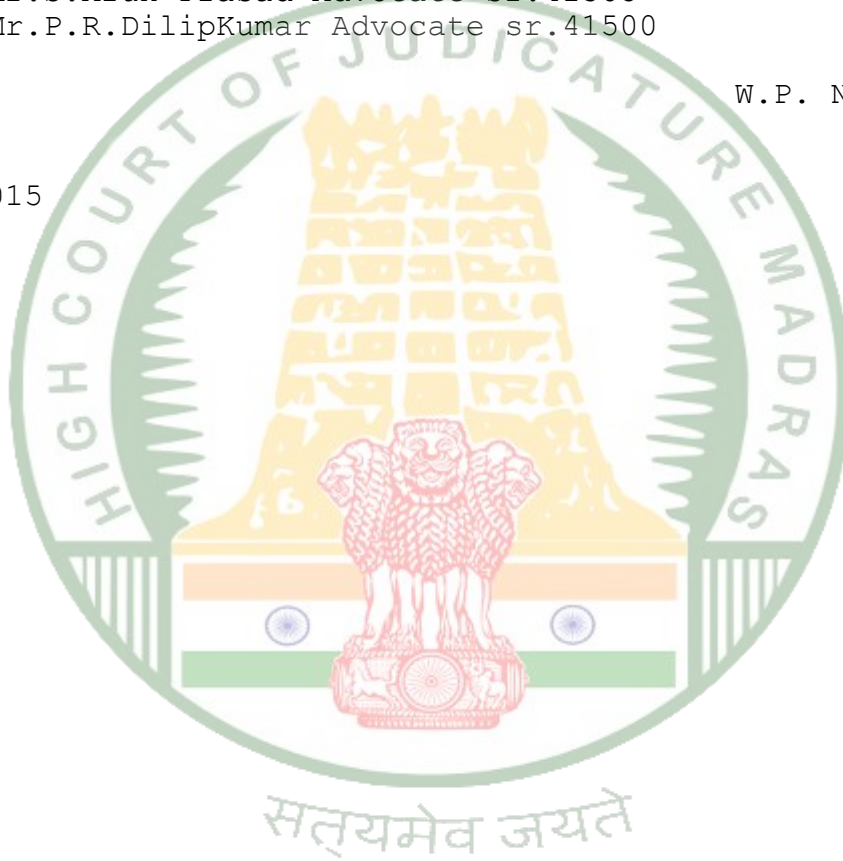
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+1 cc to Mr.S.Arun Prasad Advocate sr.41385
+1 cc to Mr.P.R.DilipKumar Advocate sr.41500

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