

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40312 of 2015 &
M.P.No. 1 of 2015

S.Jagadeesh Babu

[PETITIONER]

Vs

- 1 Tamil Nadu Electricity Board
Rep. by The Chariman cum Managing Director
Anna Salai, Chennai-600 002.
- 2 The Superintending Engineer
Tamil Nadu Electricity Board
Bangalore Bye Pass Road,
Krishnagiri, Krishnagiri District.
- 3 The Executive Engineer
Office of The Executive Engineer
SIPCOT, Hosur, Krishnagiri District.
- 4 The Assistant Engineer
Tamil Nadu Electricity Board
SIPCOT, Hosur, Krishnagiri District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records relating to the impugned Additional Levy Notice dated 17.11.2015 issued by the 4th respondent and quash the same and consequently direct the 3rd respondent to restore Service Connection under Service Connection No.066-019-1019 to the petitioner Bore Well at Meenakshi Lay Out Govinda Agragaram SIPCOT II Veedhapatti Hosur within a time frame.

For Petitioner : Mr.D.Thiruvanukkarasu

For Respondents :Mr.M.Varunkumar

O R D E R

Heard Mr.J.Pothiraj, learned Counsel appearing for the petitioner and Mr.P.Chandrasekaran, learned counsel accepts notice for the respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has challenged the proceedings dated 17.11.2015, which in fact is a reply given to the petitioner for his representation dated 05.11.2015.

3.There was an allegation of theft of energy against the petitioner and a demand was raised on the petitioner, which was earlier questioned by the petitioner by filing a writ petition in W.P.No.22195 of 2015. In the said Writ Petition, an interim order was issued to restore the electricity service connection, subject to the petitioner paying a sum of Rs.2,50,000/- [Rupees two lakhs fifty thousand only]. According to the petitioner, he has remitted the said amount.

4.It is the contention of the learned counsel for the petitioner that the respondent Board has disconnected the electricity supply on the ground that the petitioner has to remit a sum of Rs.1,50,963/- towards Current Consumption Charges and a further sum of Rs.1,68,270/- towards Additional Current Consumption Deposit. This according to the petitioner is erroneous, since the amount of Rs.1,50,963/- is already covered under the earlier demand, which is the subject of challenge in the earlier writ petition viz. W.P.No. 22195 of 2015. Further, it is submitted that so far as the Additional Current Consumption deposit of Rs.1,68,270/- is concerned, the petitioner has not been put on notice and it is not known as to how the said amount has been arrived at.

5.From the materials placed on record before this Court, it is evident that the amount of Rs.1,58,963/- is towards payment of Current Consumption Charges, which the petitioner is bound to pay. So far as the amount of Rs.1,68,270/-, which is towards Additional Current Consumption deposit, it is clear that the petitioner was not afforded any opportunity to putforth his objections as against such demane.

6.In the light of the above, the petitioner is directed to pay a sum of Rs.1,50,963/-, within a period of eight weeks from the date of receipt of a copy of this order and the petitioner would be entitled to remit the same in instalments. In so far as the amount of Rs.1,68270/- , being the Additional Current Consumption Deposit is concerned, the fourth respondent is directed to serve a demand on the petitioner indicating as to

how the amount has been arrived at. Thereafter, the petitioner is entitled to submit his objections, and after considering such objections, the fourth respondent shall pass appropriate orders on merits and in accordance with law, in so far as it relates to the demand of Additional Current Consumption Deposit alone. It is made clear that if the petitioner fails to remit the Current Consumption Charges of Rs.1,50,963/-, within the time stipulated by this Court, the benefit of this order will not enure to the petitioner and the respondents 3 & 4 will be entitled to proceed further in accordance with law.

With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Chariman cum Managing Director
Tamil Nadu Electricity Board
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- 4 The Assistant Engineer
Tamil Nadu Electricity Board
SIPCOT, Hosur, Krishnagiri District.

+1cc to M/S.M.D.Thirunavukkarasu, Advocate Sr.18674[28/12/2015]
+1cc to Mr. M. Varunkumar Advocate Sr 69554 [12.2.2016]

W.P. No.40312 of 2015

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