

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.15097 OF 2016

S.Devi

.. Petitioner

Versus

- 1.The Superintending Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle / West
Mogappair West, Chennai - 600 037.
- 2.The Assistant Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle / West
Mogappair West, Chennai - 600 037. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to conduct enquiry for the alleged theft of energy in so far relates to Service Connection No.043-029-411 in the Door No.95, Vellalar Street, Mogappair West, Chennai - 37.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for TANGEDCO

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel counsel for the respondents.

2.With the consent of learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner has filed this writ petition for a direction upon the respondents to conduct enquiry for the alleged theft of energy in so far it relates to the electricity service connection No.043-029-411 in respect of Door No.95, Vellalar Street, Mogappair West, Chennai - 600 037.

4.Earlier, the petitioner had filed a writ petition in W.P.No.8199 of 2016 for a direction to the respondents to restore the abovesaid electricity service connection, which was disconnected. This Court, on 04.03.2016, after hearing the parties, directed the petitioner to pay the amount due and liable, namely, Rs.50,000/-, within a time frame and if the said amount is paid, the electricity service connection granted to the petitioner's house, which is a domestic service connection at No.26, Karnam Street, Mogappair West, Chennai, shall not be disconnected. However, in respect of the connection given to the shop, it was specifically ordered that the connection need not be restored and the second respondent was directed to proceed further on the allegation of theft of energy by following the procedure contemplated under the Regulations. It was further observed that if the petitioner is ultimately exonerated, then the second respondent shall consider the request of the petitioner for reconnection of Service Connection No.043-029-411.

5.It is now submitted that the petitioner has complied with the condition imposed in W.P.No.8199 of 2016 dated 04.03.2016 and has paid a sum of Rs.50,000/- by way of demand draft dated 28.03.2016. It is submitted that till date, the service connection given to the petitioner's house at No.26, Karnam Street, Mogappair West, Chennai, has not been disconnected. However, the grievance of the petitioner is that in respect of the shop where there is an allegation of theft of energy, the second respondent has not conducted any enquiry and there is a stalemate. Therefore, the petitioner seeks for an appropriate direction to the second respondent to conduct an enquiry and pass orders within a time frame.

6.The learned Standing Counsel accepting notice on behalf of the respondents submitted that the second respondent may be granted reasonable time to conduct enquiry in accordance with the Electricity Supply Code.

7.In the light of the above, there will be a direction to the second respondent to issue notice to the petitioner in respect of allegation of theft of energy in so far

as it relates to Service Connection No.043-029-411 in Door No.95, Vellalar Street, Mogappair West, Chennai - 600 037, afford an opportunity of personal hearing to the petitioner and pass orders, on merits and in accordance with law. The above direction shall be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Superintending Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle / West
Mogappair West, Chennai - 600 037.
- 2.The Assistant Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle / West
Mogappair West, Chennai - 600 037.

+1 cc to Mr.C.Prakasam Advocate sr.26003

+1 cc to Mr.P.R.DhilipKumar Advocate sr.25591

W.P.NO.15097 OF 2016

aa11/05/2016