

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.16493 OF 2016
AND WMP NO.14252 OF 2016

Indu Sethia

.. Petitioner

Vs.

1.The Tamil Nadu Electricity Board
Rep. By its Chairman and Managing Director
Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer (O&M)
Tamil Nadu Electricity Board
Nazarathpetti Sub Division
Poonamallee Taluk,
Thiruvallur District.

3.M/s.Fine Furniture Pvt. Ltd.,
Represented by its Managing Director
Pradeep Chirakkal
No.184/3C, Mettupalayam,
Parivakkam Road, Chennai - 600 077.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 not to disconnect LT Service Connection No.281/031/3, bearing consumer No.092810313 for the Door No.48 (Old No.37) Varadharajapuram Village, Poonamallee Taluk, Chennai - 600 056.

For Petitioner : Mr.R.Murali
For Respondents 1&2: Mr.S.K.Raameshuwar

O R D E R

Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel, accepting notice on behalf of the respondents 1 and 2. In the light of the order this Court proposes to pass in this writ petition, notice to the third respondent is dispensed with.

2.The petitioner seeks for a writ of mandamus to direct the respondents 1 and 2 not to disconnect LT Service Connection No.281/031/3 bearing Consumer No.092810313 for the Door No.48 (Old No.37) Varadharajapuram Village, Poonamallee Taluk, Chennai - 56.

3.Earlier, the petitioner had approached this Court by filing W.P.No.40269 of 2015 to direct the respondents 1 and 2 to follow the due process of law to claim any amount apart from consumption charges in respect of the above said LT Service Connection. The said writ petition was disposed of on 26.02.2016 and the operative portion of the order reads as follows:

"9.Hence, for all the above reasons, the Writ Petition is allowed on the following terms:

(i) The second respondent is directed to issue a show cause notice to the petitioner, furnishing all relevant information and giving fifteen days time to submit her explanation/objection and the petitioner is entitled to raise all her contentions in the objection to be filed by her, such as factual and legal, including the contention that the demand is barred by limitation.

(ii) The second respondent on receipt of the explanation/objection submitted by the petitioner, after affording an opportunity of personal hearing to the petitioner, shall take a decision in the matter, pass a reasoned order and communicate the same to the petitioner. 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.

(iii) As the petitioner has already remitted a sum of Rs.2,20,000/-, the electricity connection should not be disconnected on the ground that shortfall current consumption arrears has not been paid and it shall abide by the orders to be passed by the second respondent in terms of the above direction.

(iv) It is made clear that so far as the current consumption charges are concerned, the petitioner shall continue to pay the same, as per the meter reading."

4. In terms of the above direction, the second respondent has issued a show cause notice on 21.03.2016 to the petitioner and the petitioner has submitted her objection on 04.04.2016. In the interregnum, the petitioner on an apprehension that the second respondent would disconnect the electricity supply before even deciding the matter has rushed to this Court.

5. The learned Standing Counsel for the respondents 1 and 2 submitted that the apprehension of the petitioner is baseless, as the second respondent will scrupulously follow the direction issued by this Court in the earlier writ petition. It is needless to state that while disposing of the earlier writ petition, an observation was made that the electricity service connection should not be disconnected on the ground that shortfall current consumption arrears has not been paid, since the petitioner had remitted a sum of Rs.2,20,000/- to the second respondent. The further direction was that whatever is the demand, it should abide by the orders to be passed by the second respondent. This means after the issuance of show cause notice and after considering the objections of the petitioner, orders have to be passed by the second respondent and if anything is payable, that will depend upon such order to be passed. Therefore, the petitioner need not have any apprehension that without passing an order, the second respondent will disconnect the supply.

6. The writ petition is disposed of with the above observation. The second respondent is directed to afford an opportunity of personal hearing to the petitioner, by issuing notice to him and calling upon the petitioner to appear before the second respondent for enquiry. No costs. Consequently, connected miscellaneous petition is closed.

TK

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Chairman and Managing Director
Tamil Nadu Electricity Board
Anna Salai,
Chennai - 600 002.

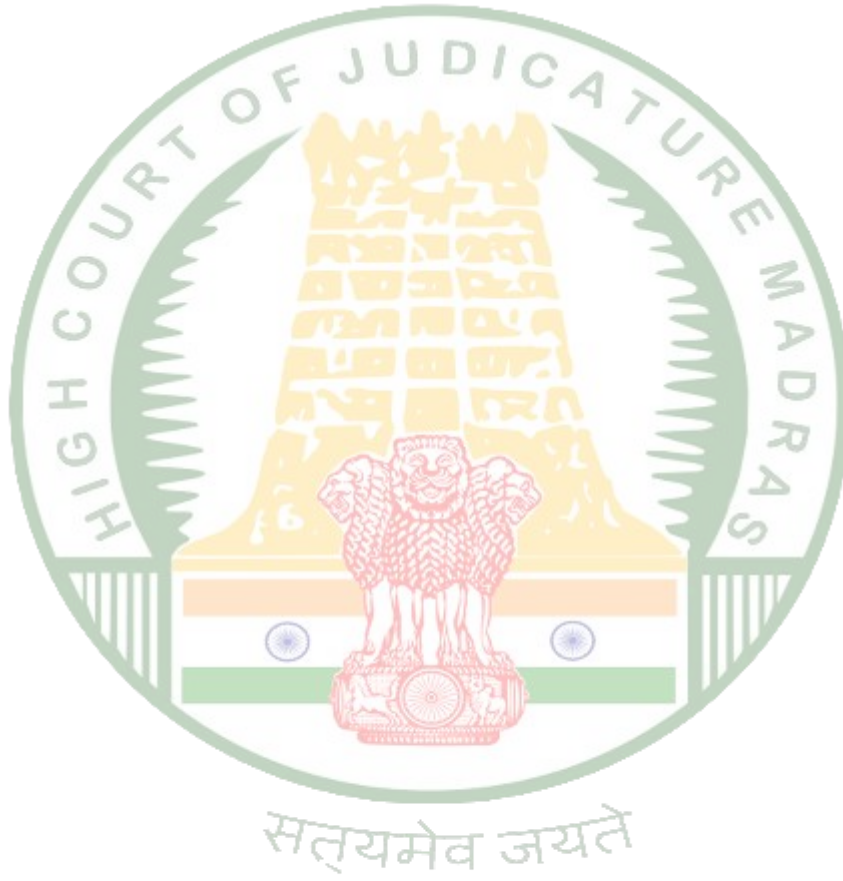
2. The Assistant Engineer (O&M)
Tamil Nadu Electricity Board
Nazarathpetti Sub Division
Poonamallee Taluk,
Thiruvallur District.

+ 1 cc to Mr.R.Murali, Advocate, SR 27540

+ 1 cc to Mr.S.K.Raameshuwar, Advocate, SR 27346

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