

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20781 of 2015
and M.P.No.1 of 2015

K.Padmapriya

... Petitioner

Vs

The Executive Engineer,
OEM/CEDC/N
Tamilnadu Electricity Generation
and Distributions Co., (North)
Perambur, 75, Paper Mills Road,
Chennai - 11

... Respondent

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari by calling for the proceedings of the respondent in demanding total payment of sum of Rs.3,85,868/- dated 20.04.2015 in Letter No.EE/O&M/AAO/RB/PBR/Fcc/D222/2015 dated 20.03.2015 and consequential proceeding Letter No.EE/O&M/AAO/RB/PBR/Fcc in Serial no.069-006-425.D.N.264 dated 07.07.2015 towards wrong application of BPSC during the disconnection period and quash the same as illegal, arbitrary and against the provision of electricity Act, 2003 and Tamilnadu Electricity supply code 2004.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondent : Mr.P.R.Dhilipkumar

W R D E R

Heard Mr.B.K.Girish Neelakantan, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned counsel appearing for the respondent. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorari to quash the proceedings of the

respondent dated 20.04.2015 by which the demand has been served on the petitioner to clear certain outstanding charges in respect of another service connection.

3.The learned counsel for the petitioner submitted that the Tamilnadu Electricity Regulatory Commission had considered the issue as to whether BPSC (Belated Payment Surcharge) can be waived and the petitioner in this regard made a reference to the order in M.P.No.15 of 2014 dated 27.04.2015. With these facts the petitioner submitted a representation to the respondent on 27.01.2016. A copy of which has been produced before this Court, which shows that the Office of the respondent has received a representation.

4. In the light of the above facts, there shall be a direction to the respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order.

This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd

To

The Executive Engineer,
OEM/CEDC/N
Tamilnadu Electricity Generation
and Distributions Co., (North)
Perambur, 75, Paper Mills Road,
Chennai - 11

+1cc to Mr.B.K.Girish Neelakantan, Advocate, S.R.No.15072
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.14875

W.P.No.20781 of 2015
and
M.P.No.1 of 2015

ALA(CO)
CA(18/03/2016)