

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-05-2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Writ Petition No.18198 of 2016

Baynes Memorial Baptist Church
Matriculation Hr. Sec. School
Rep. by its Bishop & Chairman
R.T.Rev. Dr. Jal Baynes
188 Baptist Avenue Jaladianpet
Medavakkam PO, Chennai-100

[PETITIONER]

Vs.

1 The Chairman / Managing Director
Tamil Nadu Generation & Distribution
Corporation Ltd No.144 N.P.K.R.R.Maaligai
Anna Salai Chennai-600 002

[RESPONDENTS]

2 The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity Board Extension (South)
Pallikaranai Division Chennai-600 100

Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari fied mandamus to call for the records relevant to the order in Ka.No. / U.Po/ Pallikaranai/ Ko.312.015. 246/ A.No.30 dated 04.05.2016 passed by the 2nd respondent and quash the same is illegal improper and against the natural justice and thereby direct the respondents to extend the period of monthly instalment as 10 monthly instalments for payment of arrears of electricity consumption charges has levied by the respondents to the petitioner-school.

For Petitioner : Mr. A. Rajesh Kanna
For Respondents : Mr. S.K. Rameshuwar

ORDER

By consent, the main writ petition is taken up for final disposal. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The petitioner-School has sought for quashment of the order dated Ka.No. / U.Po/ Pallikaranai/ Ko.312.015. 246/ A.No.30 dated 04.05.2016 passed by the 2nd respondent and direct the respondents to extend the period of monthly instalment as 10 monthly instalments for payment of arrears of electricity consumption charges has levied by the respondents.

3. Mr. A. Rajesh Kanna, learned counsel for the petitioner would submit that the petitioner is a School and was directed by the respondent to pay the arrears of electricity charges totaling to a sum of Rs.2,21,979/- (Rupees Two lakhs Twenty One thousand Nine hundred and seventy nine only) by three instalments falling on 11-05-2016, 11-06-2016 and 11-07-2016. The petitioner has duly remitted the first instalment of Rs.74,000/- (Rupees Seventy four thousand

only) on 09-05-2016, however could not pay the second instalment of Rs.74,000/- (Rupees Seventy four thousand only) on 11-06-2016 and instead of paying the amount on 11-06-2016, is ready and willing to pay the amount on or before 11-07-2016 and the third instalment on or before 11-09-2016.

4. The learned counsel for the respondent would further submit that based on the direction issued by this Court in W.A.No.647 of 2015 dated 30-04-2015, the respondent has directed the petitioner to pay the entire dues in three instalments as per the Rules and only after payment of entire arrears amount, the respondent can restore the electricity service connection to the petitioner.

5. The Court heard the rival submissions made on behalf of the parties and perused the available materials on record.

6. Considering the facts, the petitioner is directed to pay the second instalment on or before 11-07-2016 and the third instalment of Rs.73,979/- (Rupees Seventy three thousand nine hundred and ninety nine only) on or before 11-09-2016. The respondent-Board is directed to restore the electricity connection of the petitioner forthwith and if there is any default in payment of the instalments, the respondent is at liberty to disconnect the service connection.

In the above terms, the writ petition is disposed of. No costs. The connected W.M.P.No.15942 of 2016 is closed.

Sd/-
Vacation Officer.

/true copy/

Sub Asst. Registrar.

glp

To

1 The Chairman / Managing Director
Tamil Nadu Generation & Distribution
Corporation Ltd No.144 N.P.K.R.R.Maaligai
Anna Salai Chennai-600 002

2 The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity Board Extension (South)
Pallikaranai Division Chennai-600 100

+ 1 CC to Mr.A.Rajesh Kanna, Advocate sr no 28521

+ 1 CC to Mr.S.K. Rameshuwar, Advocate sr no 28519

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सत्यमेव जयते

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