

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25432 of 2016

and

WMP No.21758 of 2016

S.Devi

... Petitioner

vs.

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 - 37.

2. The Assistant Executive Engineer (Construction),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
110/11 KV Nolambur Sub Electricity Building,
Mogappair West, Chennai - 37.

3. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings NO. AEE/ Cons/ Amb/ Ko. SPL/ V.No.144/ 2016 dated 13.07.2016 and quash the same and consequently directing the respondents to give three phase electricity service connection to the petitioners shop situated at Door No.95 Vellalar Street Mogappair West Chennai-37 and pass orders on merits within stipulated time.

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.P.R.Dhilip Kumar

Standing counsel for TANGEDCO

O R D E R

The petitioner has challenged the order passed by the 2nd respondent by which the petitioner has been asked to pay a sum of Rs.83,111/- after adjusting Rs.50,000/- which has been paid by him pursuant to the conditional order passed in W.P.No.15097 of 2016.

2. The petitioner is having two electricity connections, one electricity service connection bearing No. 043-029-411 in respect of shop in Door No. 95, Vellalar Street, Mogappair West, Chennai - 37; another residential connection is given at No. 26, Karnam Street, Mogappair West, Chennai.

3. The petitioner's old shop was sought to be demolished and therefore, petitioner applied to the respondent to disconnect the electricity and thereafter, it was disconnected. Subsequently, a new connection was obtained by the petitioner for the purpose of making construction. However, the petitioner was slapped with an order dated -NIL calling upon the petitioner to pay a sum of Rs.1,33,111/- as extra levy charge based on an inspection conducted on 29.02.2016 and the electricity connection was also disconnected.

4. Therefore, the petitioner filed writ petition No.8199/16 directing the respondents to restore the electricity connection for service connection No.043-029-411 in respect of Door No. 95, Vellalar Street, Mogappair West, Chennai - 37. The said writ petition was disposed of on 04.03.2016, directing the petitioner to pay a sum of Rs.50,000/-. Further it is directed that on payment of the said amount, the petitioner's domestic service connection granted to petitioner's house at No.26, Karnan Street, Mogappair West, Chennai, shall not be disconnected. For failure to pay the said amount, electricity connection given to the shop was directed not to be restored and the 2nd respondent is directed to proceed further with the enquiry with regard to the allegation of theft by following the procedure as contemplated in the Regulations and finally if the petitioner is exonerated, the 2nd respondent shall consider the request of the petitioner for reconnection of service connection No.043-029-411.

5. Since there was no enquiry even after paying a sum of Rs.50,000/- as per the earlier order, the petitioner was compelled to file another writ petition W.P.No.15097 of 2016 and this Court by order dated 25.04.2016, has given a direction and paragraph no.7 of the order is extracted hereunder.

"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 order, 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"

Pursuant to that only the present impugned order has been passed.

6. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned standing counsel appearing for the respondents.

7. A perusal of the impugned order shows that the impugned order has been passed mechanically without going into details and as an eyewash only, the petitioner has been given an opportunity. Since the writ petition was dismissed the 2nd respondent has come to the conclusion that the petitioner has to pay the entire amount. According to the petitioner though she was called upon to appear on 21.06.2016, there was no enquiry and she was asked to sign in the blank papers and therefore, she refused to sign it, resulting in passing of the impugned order.

8. Taking into consideration the allegation made by the petitioner and also the way in which the order has been passed, this Court is inclined to set aside the order and pass an order of remand. After remand, instead of 2nd respondent, the 1st respondent shall conduct an enquiry in the matter and pass appropriate orders after giving opportunity to the petitioner as per law within six weeks from the date of receipt of a copy of the order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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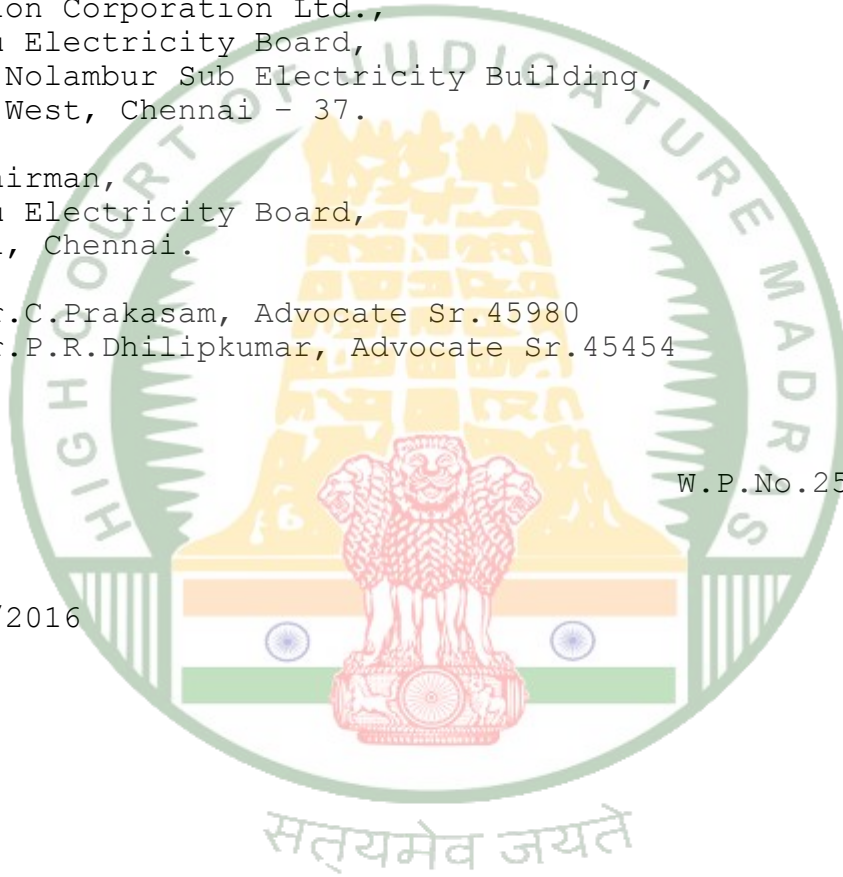
3. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

+lcc to Mr.C.Prakasam, Advocate Sr.45980

+lcc to Mr.P.R.Dhilipkumar, Advocate Sr.45454

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