

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

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THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.40564 of 2016

and

W.M.P.No.34568 of 2016

A.M.Subramaniam

... Petitioner

Versus

1. The Chairman,
Tamil Nadu Generation Energy and
Distribution Corporation
(TANGEDCO), Anna Salai,
Chennai - 600 002.

2. The Executive Engineer,
Tamil Nadu Generation Energy and
Distribution Corporation
(TANGEDCO),
Ammappettai, Erode District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, to direct the second respondent herein to restore the power supply to the service connections in S.C.No.333-002-57/IV and 333-002-444/IV, at Ammapettai Sub Division Bhavani Division, Gobi Distribution Circle.

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.S.K.Raameshuwar
TNEB

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ORDER

Though the second respondent is described as Executive Engineer Tamil Nadu Generation Energy and Distribution Corporation (TANGEDCO), Ammapettai, there is no such post and only the Assistant Executive Engineer, Tamil Nadu Generation Energy and Distribution Corporation, (TANGEDCO), Ammapettai, is the appropriate Officer and therefore, the second respondent, namely, the Executive Engineer is substituted as Assistant Engineer.

3. The petitioner contends that he is an agriculturist and he has got two service connections in S.C.No.333-002-57/IV and 333-002-444/IV at Ammapettai Sub Division in Bhavani Division, Gobi Distribution Circle. The said service connection are being used only for agriculture purpose and not for any other purpose. However, the second respondent cut off both the electricity service connections on 02.11.2016 stating that electricity connection has been misused for industrial purpose and therefore, the petitioner has come before this Court, seeking writ of mandamus, directing the second respondent to restore the power supply to the service connections in S.C.No.333-002-57/IV and 333-002-444/IV.

4. Heard Mr.D.Selvaraju, learned counsel for the petitioner and Mr.S.K.Raameshuwar, learned counsel for the respondents.

5. It is seen from the records that two assessment orders have been made calling upon the petitioner to pay a sum of Rs.68,993/- and Rs.2,26,856/- for two service connections.

6. Since it is only a provisional assessment, this Court directs the petitioner to pay a sum of Rs.1,00,000/- together for two service connections. On such payment, the second respondent is directed to restore the power supply to the service connections in S.C.Nos.333-002-57/IV and 333-002-444/IV. The second respondent is further directed to conduct an enquiry and the petitioner is directed to participate in the enquiry after giving his explanation. It is open to the respondent to hear the petitioner and pass final orders. In case the liability of the petitioner is more than the amount, which has been deposited by the petitioner, the same is required to be paid. In case, there is no liability or lesser liability found, the same can be adjusted against the current consumption charges.

7. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

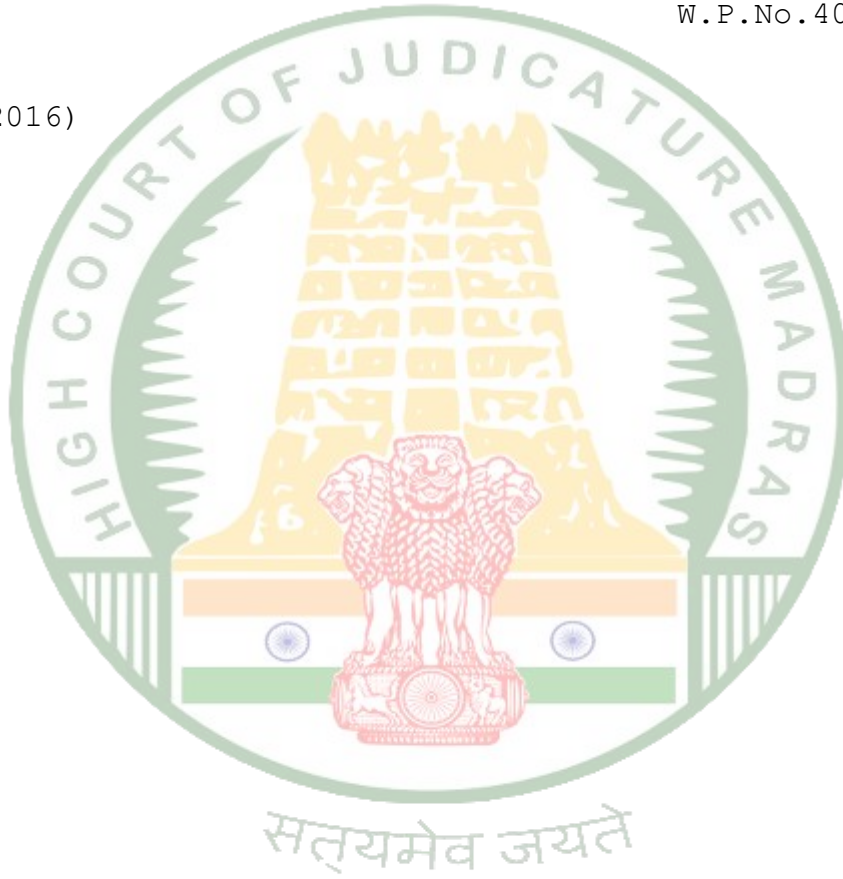
1. The Chairman,
Tamil Nadu Generation Energy and
Distribution Corporation
(TANGEDCO), Anna Salai,
Chennai - 600 002.

2. The Assistant Executive Engineer,
Tamil Nadu Generation Energy and
Distribution Corporation
(TANGEDCO),
Ammappettai, Erode District.

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.69594
+1cc to Mr.D.Selvaraju, Advocate, S.R.No.69720 (22.12.2016)

W.P.No.40564 of 2016

VGI (CO)
CA(28/11/2016)



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