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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2016
CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.2429 of 2015 (PD)
and
M.P. (MD) .Nos.1 to 3 of 2015
and
C.M.P. (MD) .No.654 of 2016

D.Parisuthanathan

... Petitioner

Vs.

Assistant Engineer,
Operation and Maintenance
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO)
College Road,
Near Old Bus Stand,
Pudukottai Town and District.

... Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 15.09.2015 in C.M.A.No.7 of 2015, on the file of the learned Subordinate Judge, Pudukkottai against the order in I.A.No.266 of 2015 in O.S.No.74 of 2015, on the file of the District Munsif Pudukkottai.

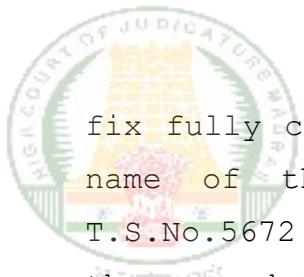
For Petitioner :Mr.N.Ananthapadmanabhan
For Respondent :Mr.S.M.S.Johny Basha

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order dated 15.09.2015 passed by the learned Subordinate Judge, Pudukkottai in C.M.A.No.7 of 2015 confirming the fair and decreetal order dated 09.04.2015 in I.A.No.266 of 2015 in O.S.No.74 of 2015, on the file of the District Munsif Court, Pudukkottai.

2.By consent, the civil revision petition is taken up for final disposal.

3.The petitioner is the plaintiff and the respondent is the first defendant in the suit in O.S.No.74 of 2015. The petitioner filed a suit for declaration of electricity consuming charge calculated to the tune of Rs.3414/- dated 30.06.2014 and Rs.3072/- dated 05.02.2015 for electricity connection. No.06112002428 is arbitrary and illegal and consequently direct the first defendant to repay the amount Rs.3471/- already paid and



fix fully checked meter box relating to service connection stands in the name of the fourth defendant in conspicuous part of building in T.S.No.5672 by replacing the meter box fixed in the hidden wooden box in the ground floor.

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4. According to the petitioner, he is a practicing Advocate and lessee in Building No.T.S.No.5672, Santhanathapuram Ist Street, Pudukkottai which belongs to the fourth defendant and the electricity meter installed in the premises was not functioning since December 2013. The respondent herein/first defendant and the second defendant calculated average value and called upon the petitioner to pay a sum of Rs.3,414/- with additional amount of Rs.57/-. The respondent calculated the electricity charges at Rs.3,072/- for 120 units. The petitioner requested the respondent to shift the electricity meter to a visible place from the hidden wooden box. The electricity was disconnected on 12.03.2015. The petitioner filed a suit for declaration that the the calculation of electricity consumption charges by the respondent is arbitrary and illegal and to direct the respondent to refund the amount already paid and fix fully check-up meter box. He also filed I.A.No.266 of 2015 for mandatory injunction directing the respondent to restore the electricity connection. The defendants filed counter and contested the case.

5. The learned Judge considered all the materials and documents marked on behalf of the parties and dismissed the application. Against the said order, dated 09.04.2015, the petitioner filed C.M.A.No.7 of 2015 and the said C.M.A was also dismissed, confirming the order of the learned District Munsif, Pudukkottai. Against the above said order, the present civil revision petition is filed.

6. At the time of admission, the petitioner was directed to deposit a sum of Rs.3072/- to the credit of the suit in O.S.No.74 of 2015 on the file of the District Munsif, Pudukkottai within one week from the date of receipt of a copy of that order and directed the petitioner to reconnect the service connection bearing No.06113002428, which was disconnected by the respondent on 12.02.2015, pending disposal of the revision.

<https://hcservices.ecourts.gov.in/hcservices/>

7. The petitioner deposited the amount on 23.11.2015 and service



connection was restored. The petitioner did not pay the subsequent electricity charges of Rs.199/-. According to the respondent, the petitioner is liable to pay current consumption charges.

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8.I have heard Mr.N.Ananthapadmanabhan, learned counsel appearing for the petitioners and carefully perused the entire materials on record.

9.Considering all these facts and materials on record and the argument of the learned counsel for the petitioner and the respondent without deciding the issue on merits, civil revision petition is disposed of directing the petitioner to pay the electricity consumption charges as claimed by the first respondent within a period of two weeks to the credit of O.S.No.74 of 2015, on the file of the District Munsif Court, Pudukkottai and shall continue to pay electricity charges without prejudice to the contention in the suit. If the amounts are paid, as claimed by the first respondent, the first respondent shall not disconnect the service connection. If the petitioner fails to pay the current consumption charges, it is open to the respondent to take action as per law. The respondent is directed to file a written statement within a period of four weeks and the learned Trial Judge is directed to dispose of the suit as expeditiously as possible, in any event, not later than 31st August 2016. No costs. Consequently, the connected M.Ps and the C.M.P are also closed.

Sd/

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1 The District Munsif, Pudukkottai.

2 The Subordinate Judge, Pudukkottai.

+2CC to M/S.N.Ananthapadmanabhan, Advocate, SR.No. 15843

+1CC to M/S.S.M.S.Johnny Basha, Advocate, SR.No. 16048

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