

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.28567 of 2017
and
WMP.No.30719 of 2017

P.Benazir

... Petitioner

vs.

1.The Assistant Executive Engineer
(Operation & Maintenance)
Chennai Electricity Distribution Circle (North)
TANGEDCO
Villivakkam, Chennai.

2.The Executive Engineer
(Operation & Maintenance)
Chennai Electricity Distribution Circle (North)
TANGEDCO
No.147, 3rd Main Road,
Baba Nagar, Villivakkam,
Chennai-600 049.

...Respondents

PRAYER

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to restore the electricity connection to the petitioner's portion in the premises bearing Door No.80/10, Trust Square, Ayanavaram, Chennai-600 023 bearing Electricity S.C.No.064:006:169, Tariff V, forthwith.

For Petitioner : Mr.G.RM.Palaniappan

For Respondents: Mr.P.R.Dilipkumar

Standing Counsel

O R D E R

Mr.P.R.Dilipkumar, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to restore electricity connection to her premises bearing No.80/10, Trust Square, Ayanavaram, Chennai-600 023, bearing Electricity S.C.No.064:006:169, Tariff V.

3. Heard both sides.

4. It is seen that the subject matter service connection was disconnected pursuant to initiation of proceedings for theft of Energy, which culminated into passing of a provisional assessment order, demanding a sum of Rs.2,45,327/-. It is stated by both sides that the compounding charges of Rs.20,000/-, apart from the above demand has already been paid by the petitioner's husband. According to the petitioner, she is not liable to pay the charges and therefore, she seeks for restoration of the power supply.

5. On the other hand, the learned standing counsel for the respondents submitted that when a provisional demand of Rs.2,45,327/- was made against the petitioner, restoration of the power supply cannot be given, unless the petitioner pays the said amount. However, the learned standing counsel for the respondents fairly submitted that a final assessment order is yet to be passed.

6. Upon hearing both sides and perusing the materials placed before this Court, it is seen that a provisional assessment order has been passed, wherein a demand of Rs.2,45,327/- was made against the petitioner. However, such provisional assessment has to finally reach the stage of passing a final assessment order. Since, the power supply was disconnected as early as on 12.10.2017, this Court is of the view that restoration of the power supply can be ordered subject to certain terms and conditions, so that the interest of the both parties can be protected. Accordingly, this writ petition is disposed of as follows:-

(a) The petitioner shall pay a sum of Rs.1,20,000/- to the respondents, within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of such payment, the respondents shall restore the power supply immediately.

(c) The final assessment order shall be passed by the respondents within a period of four weeks from the date of receipt of a copy of this order.

(d) After passing such final assessment order, if the petitioner is aggrieved against the same, it is open to the petitioner to challenge the final assessment order before the appropriate forum in the manner known to law.

No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

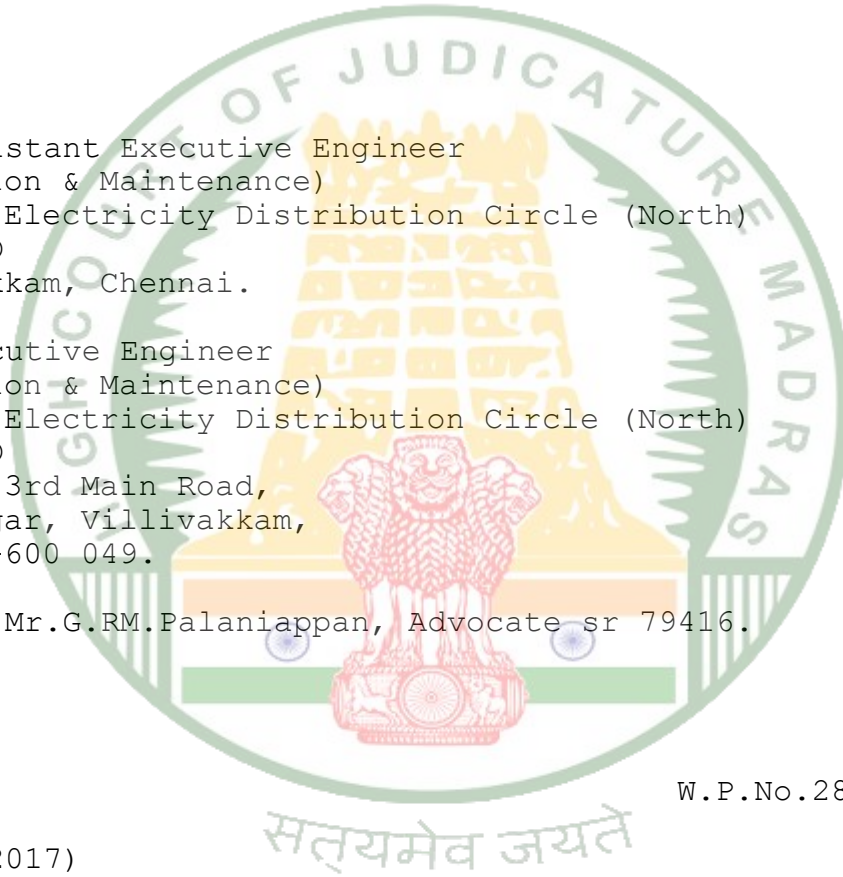
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To

1.The Assistant Executive Engineer
(Operation & Maintenance)
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Villivakkam, Chennai.

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+2 Ccs to Mr.G.RM.Palaniappan, Advocate sr 79416.



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SP(10/11/2017)

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