

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9511 of 2004 and

W.P.M.P No.11102 of 2004

M.A. Rasheed

... Petitioner

/versus/

1.The Asst. Executive Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle/Central
Anna Salai, Chennai - 600 002.

2.The Executive Engineer/O&M
Anna Salai
Tamil Nadu Electricity Board,
No.6, Lafond Street
Chntadripet, Chennai 600 002.

3.The Superintending Engineer
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle/Central
Chennai - 600 034.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of a writ directing the 3rd respondent to grant personal hearing and dispose the appeal in accordance with the Terms and Conditions of supply of Electricity.

For Petitioner : Mr. K. Jayachandran

For Respondents : Mr. P.R. Dhilip Kumar

O R D E R

The subject matter of this Writ Petition is with regard to the theft of electric energy by the tenant and the writ petitioner/landlord has filed this Writ Petition for issuance of a writ of mandamus for granting him personal hearing and dispose

of the Appeal, which is pending before the third respondent.

2. Admittedly, the Appeal was filed by the writ petitioner who is the landlord before the third respondent/Superintendent of Engineer, disputing the theft of electric energy by his tenant.

3. The learned counsel appearing for the Tamilnadu Electricity Board pleaded that it is a pre-condition that for consideration of an Appeal, 40% of the disputed amount has to be deposited. Therefore, only on depositing the said amount, the Appeal will be taken into consideration for hearing.

4. The learned counsel appearing for the Writ Petitioner/landlord submitted that the writ petitioner will fulfill the required conditions before taking up of the Appeal for consideration by the third respondent.

5. In view of the submissions made by the learned counsel appearing on either side, this Court is inclined to direct the third respondent to consider the Appeal preferred by the writ petitioner on 22.12.2003, if it is in accordance with the Regulations and after affording an opportunity of personal hearing, pass final orders in accordance with the Rules, as expeditiously as possible, preferably within the period of eight weeks from the date of receipt of copy of this order.

The Writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

lbm/rpa

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To

1.The Asst. Executive Engineer,
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Tamil Nadu Electricity Board,
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Chennai - 600 034.

+1cc to Mr.Dhilip kumar, Advocate, S.R.No.19302

+1cc to Mr.Seshadri, Advocate, S.R.No.19138

W.P.No.9511 of 2004

SV(CO)
RS(12/04/2017)



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