



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.12299 of 2017

and

W.M.P(MD)No.9460 of 2017

V.Geetha

... Petitioner

Vs.

1.The Superintending Engineer,
Thanjavur Sub-Division office,
Thanjavur Electricity Board,
Thanjavur District.

2.The Junior Assistant Engineer,
Director & Maintenance,
Town/East Part,
Kumbakonam.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2nd respondent in Ka.No.E.Mi.Po/E.Pa.Ra/Na/East/kumpa/Ko.Thu/A.No.62, dated 20.06.2017, and quash the same and consequently direct the respondents to restore the electricity connection to E.B.No.064210010437 for the "Padmavathy Bahvan" situated at No.7, ESS-VEE towers ground floor Nageswaran 7th street, Kumbakonam, Thanjavur District.

For Petitioner

: Mr.S.Chellapandian

For Respondents

: Mrs.S.Srimathi

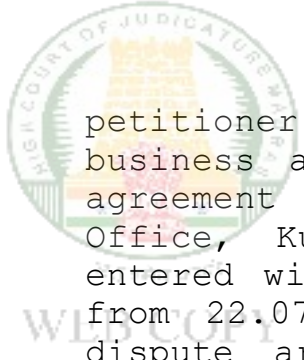
for S.M.S.Johny Basha

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2.This writ petition is directed against the impugned order passed by the second respondent, dated 20.06.2017, by which the request of the petitioner to give electricity service connection on payment of entire electricity dues against E.B.No.064210010437 on behalf of her landlord, has been wrongly rejected. The petitioner has given a representation to the second respondent on 09.06.2017 with a request to restore the electricity service connection. As the respondents have not come forward to accept even the bona-fide request of the petitioner.

3.It is the claim of the petitioner that one Elumalai and his brother Krishnamoorthy approached the petitioner with a request to be taken in as a partner in their newly established Restaurant, which was started in the year 2013 in a rented building which belongs to Mrs.Varshika and Mrs.Sudharsana. The



petitioner accepting the said invitation joined in the hotel business as a partner. Thereafter, they have entered into an agreement and execute a deed of partnership at Sub Registrar Office, Kumbakonam. Thereafter, a lease agreement was also entered with the landlords for a period of 48 months commencing from 22.07.2013 to 21.07.2014. While so, in the year 2016, a dispute arose between the partners and one of the erstwhile partners fails to pay electricity bill in E.B.No.064210010437 in the name of "Padmavathy Bhavan". Therefore, the second respondent has disconnected the electricity supply to the Padmavathy Bhavan. Immediately, thereafter, the petitioner approached the second respondent with a request to permit him to clear the dues. Subsequently, he has also paid the electricity dues against E.B.No.064210010437. But inspite of clearing the dues, the respondent has passed the impugned non-speaking and cryptic order. I also find merit in the submission for the reason that the three line impugned order does not show on what basis the petitioner is dis-entitled to get restoration of electricity service connection when he has already paid the dues in E.B.No.064210010437 on 24.05.2017.

4. In this context, it is pertinent to extract the Section 22 of the Tamil Nadu Electricity Supply Code, 2004

"22. Restoration of supply of electricity:- (1) The licensee shall restore the supply to the service immediately and in any case not exceeding twelve hours (in the case of urban areas and twenty-four hours in the case of rural areas) on recovery of electricity charges or such other sums together with any expenses incurred by the licensee in cutting off and re-connecting the supply."

5. The learned standing counsel appearing for the electricity Department also finding that there is no justification on the part of the respondents to pass the impugned order as the petitioner has cleared the dues in E.B.No.064210010437 sought for sufficient time to restore the electricity connection.

6. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

7. In view of the above, this writ petition is disposed of with a direction the respondents to restore the electricity service connection to the petitioner, within a period of one week from the date of receipt of a copy of this order. This is subject to the clearance of all arrears. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar



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Thanjavur Electricity Board,
Thanjavur District.

2.The Junior Assistant Engineer,
Director & Maintenance,
Town/East Part,
Kumbakonam.

+One cc to Mr.S.Chellapandian, Advocate, SR.No.63403

+One cc to Mr.S.M.S.Johnny Basha, Advocate, SR.No.63205

am

RL/5C/3P/KP/SAR1/10/7/2017

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