

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5360 of 2018

and

W.M.P.No.6584 of 2018

P.Wilson

.... Petitioner

Vs.

1. The Superintending Engineer,
CEDC/WEST
110/33/11 KV
Thirumangalam SS,
Anna Nagar,
Chennai - 600 040

2. The Divisional Accounts Officer,
Chennai North / CEDC,
TANGEDCO/TNEB,
J.J.Nagar (East),
Chennai - 600 037.

3. The Junior Engineer (O&M)
TANGEDCO/TNEB,
T.S.Krishna Nagar,
Mugappair,
Chennai - 600 037.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare that the action of the respondents in orally demanding consumption charges at the rate of Commercial usage and disconnecting the electricity supply to the petitioner's premises vide Service Connection No.040-001-923 without any written demand or order as illegal, arbitrary, unreasonable and being violative of rules and principles of natural justice and thereby direct the respondents herein to continue to receive the consumption charges at the rate of Industrial usage for the service connection in No.040-001-923 effected in the petitioner's premises at No.118, Sathiya Nagar 2nd Main road, Padi, Chennai - 600 050.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.P.R.Dilipkumar,
Standing Counsel

O R D E R

The petitioner is seeking for a declaration to declare the action of the respondents in orally demanding the consumption charges at the rate of Commercial usage and disconnecting the electricity supply to the petitioner's premises without any written demand or order as illegal, arbitrary, and unreasonable.

2. After notice, this matter is taken up today for further hearing.

3. Learned standing counsel appearing for the respondents submitted that it is wrong to state that the respondents have made oral demand and on the other hand, the fact remains that already a written demand, by making a provisional assessment order, was already passed and the petitioner refused to receive the same. Therefore, he contended that it is open to the petitioner to challenge the provisional assessment order in a manner known to law. He has also produced a copy of such proceedings.

4. Considering the above stated facts and circumstances and in view of the fact that a written demand was already made by passing an order of provisional assessment, this Writ Petition is disposed of by granting liberty to the petitioner to work out his remedy against the provisional assessment order in a manner known to law before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsi

WEB COPY

To

1. The Superintending Engineer,
CEDC/WEST
110/33/11 KV
Thirumangalam SS,
Anna Nagar,
Chennai - 600 040

2. The Divisional Accounts Officer,
Chennai North / CEDC,
TANGEDCO/TNEB,
J.J.Nagar (East),
Chennai - 600 037.

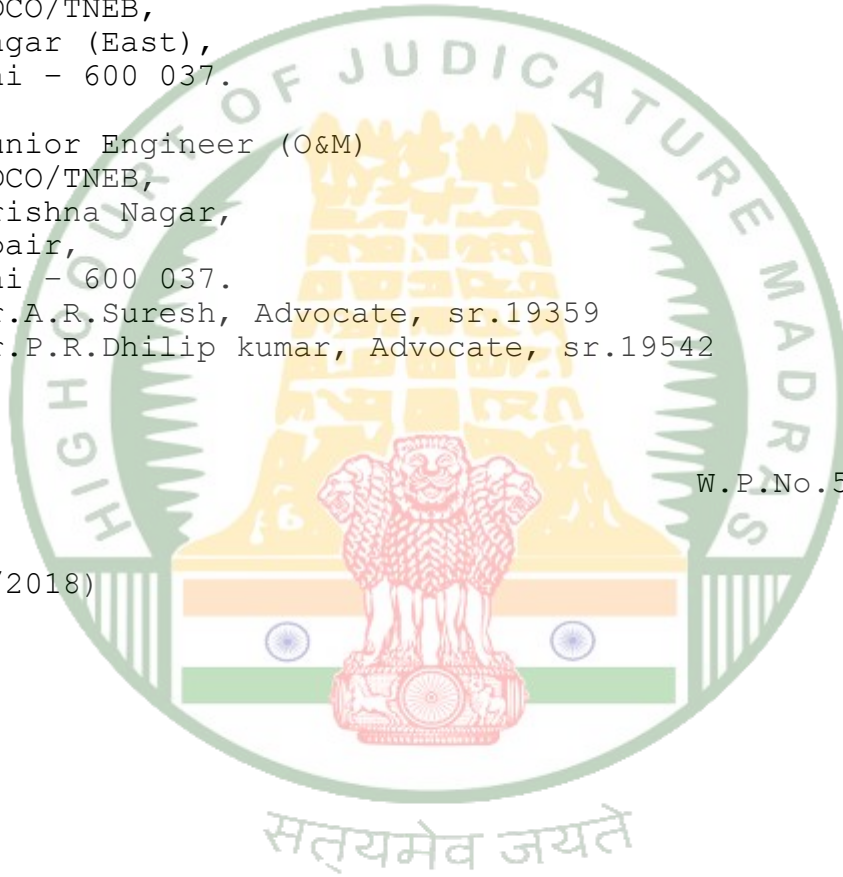
3. The Junior Engineer (O&M)
TANGEDCO/TNEB,
T.S.Krishna Nagar,
Mugappair,
Chennai - 600 037.

+lcc to Mr.A.R.Suresh, Advocate, sr.19359

+lcc to Mr.P.R.Dhilip kumar, Advocate, sr.19542

W.P.No.5360 of 2018

SS (CO)
RMP (22/03/2018)



WEB COPY