

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.22511 of 2014 and
M.P.NO.1 of 2014

Mrs.V.Anitha

...Petitioner

Vs

1.The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
CEDC/SOUTH, Tambaram West, Chennai.

2.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
CEDC/SOUTH, Tambaram West, Chennai.

3.Th Deputy Chief Internal Audit,
Tamil Nadu Electricity Board, Chennai Region,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Anna Salai, Chennai - 600 002.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents herein to immediately restore the electricity supply in service connection No.09250453806 at Old Door No.5, New Door No.23, Duraisamy Reddy Street, West Tambaram, Chennai - 600 045.

For Petitioner :Mr.Om Prakash(Standing Counsel)for
Mr.Ramalingam And Associates.

For Respondents :Mr.S.K.Raameshwar

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O R D E R

The relief sought for in this writ petition is to direct the respondents immediately restore the Electricity Supply in Service Connection No.09250453806 at Old Door No.5, New Door No.23, Duraisamy Reddy Street, West Tambaram, Chennai - 600 045.

2.The learned Senior Counsel appearing on behalf of the writ petitioner states that pursuant to the Interim Order granted by this Court on 28.08.2014, the writ petitioner had deposited 40% of the demanded amount by the Electricity Board on payment of the said 40% the electricity connection was restored in the premises of the writ petitioner.

3.However, the learned Senior Counsel states that in respect of the demand made by the respondent a show cause notice is to be issued under the provisions of Section 56(2) of the Electricity Act and after receiving the objections/explanations from the writ petitioner the authorities competent can take a decision on merits in accordance with law.

4.The learned Counsel appearing for the respondents also states that the writ petitioner had already deposited 40% of the demanded amount and the Electricity Connection had already been restored. The writ petitioner shall be permitted to continue the payment as per the usage and in respect of the disputed amount, the Electricity Board will issue notice and thereafter appropriate orders in accordance with law.

5.In view of the submissions made by the respective counsel both for the writ petitioner as well as the respondents, this court is of an opinion that the writ petitioner shall be permitted to pay the consumption charges as per the usage and as per the demand.

6.However, in respect of the disputed demand amount the respondent Electricity Board is directed to issue show cause notice to the writ petitioner within a period of three weeks from the date of receipt of a copy of this order. On receipt of such demand from the respondent, the writ petitioner is at liberty to submit his explanations/objections along with the documents, if any to the respondents within a period of three weeks thereafter. On completion of this process, the respondents are at liberty to consider the materials available on records and pass orders on merits and in accordance with law, within a period of twelve weeks there from.

7. Accordingly, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
CEDC/SOUTH, Tambaram West, Chennai.
2. The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
CEDC/SOUTH, Tambaram West, Chennai.
3. The Deputy Chief Internal Audit,
Tamil Nadu Electricity Board, Chennai Region,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Anna Salai, Chennai - 600 002.

+1cc to Mr.S.K.RAMESHWAR, Advocate, S.R.No.28826
+2cc to Mr.RAMALINGAM & ASSO Advocate, S.R.No. 29539

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RSI (CO)
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