

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

CORAM

THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P.No.12166 of 2018
and W.M.P.No.14192 of 2018

M/s.Rohini Hotels (Madras) Pvt., Ltd.,
Rep. By its Director Mr.R.Pannerselvam,
No.43, Sarangapani Street,
T.Nagar,
Chennai 600 017.

..Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Annasalai,
Chennai 600 002.
2. The Chief Engineer (Commercial),
Tamil Nadu Electricity Board,
No.800, Annasalai,
Chennai 600 002.
3. The Superintending Engineer,
CEDC/South, 110 KV,
S.S. Complex,
K.K Nagar,
Chennai 600 078.
4. The Chief Engineer (Distribution),
Tamil Nadu Electricity Board,
Chennai South Region,
No.802, Anna Salai,
Chennai 600 002.

..Respondents

Prayer:

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari calling for the records of the 3rd respondent in his proceedings Lr.No.SE/CEDC/S-I/DFC/AAO/HT/GI/AS2/F/HT670/D/28/2018 dated 26.04.2018 and quash the same.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents : Mr.S.K.Rameshwar

O R D E R

This Writ Petition has been filed challenging the demand notice for a sum of Rs.47,36,445/- towards consumption charges in proceedings Lr.No.SE/CEDC/SI/DFC/AAO/HT/GI/AS2/F/HT670/D / 28 /2018.

2. Heard Mr.K.S.Karthik Raja, learned counsel appearing for the petitioner and Mr.S.K.Rameshwar, learned counsel, who has taken notice on behalf of the respondents.

3. The learned counsel appearing for the petitioner submits that though the petitioner has challenged the demand notice for consumption charges in the Writ Petition, the petitioner actually requires instalments for payment of the same.

4. In this regard, the learned counsel for the respondents refers to Regulation 22 (6) (ii) of the Supply Code Regulations, which reads as follows:-

"(ii)The authorized officer of the licensee may permit such consumer to pay the outstanding in instalments and to avail reconnection on receipt of 40% of the total arrears outstanding after closing of accounts due to the licensee, which include:-

(a)Arrears on the date of disconnection

(b)Tariff minimum and meter rent for the periods six month from the date of disconnection (Including the notice period)

(c)The applicable BPSC/ Interest up to the date of payment

(d)The balance 60% of the amount shall be collected in ten monthly instalments.

(e)In addition to the above, the full amount of Security Deposit adjusted while closing of account shall be collected in one lump sum before effecting new service connection."

As such, it is evident that the Authorised Officer of the respondents is entitled to consider such requests for payment in instalments of the outstanding amount of consumption charges.

5. In this backdrop, the learned counsel appearing for the petitioner submits that the petitioner would make a representation in that regard to the Authorised Officer of the

respondents on or before 20.05.2018. If such representation is made by the petitioner within the aforesaid time limit, the same shall be disposed of by the Authorised Officer of the respondents on merits and in accordance with law on or before 31.05.2018 and till such time, the respondents shall not disconnect the electricity to the premises in question. However, if no such representation is made by the petitioner within the said date, the respondents shall be entitled to proceed further in the matter in accordance with law. It is made clear that this Court has not expressed any view on the correctness or entitlement of the claim made by the petitioner.

With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Comp)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Annasalai, Chennai 600 002.
- 2.The Chief Engineer (Commercial),
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- 4.The Chief Engineer (Distribution),
Tamil Nadu Electricity Board, Chennai South Region,
No.802, Anna Salai, Chennai 600 002.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.33397
+1cc to Mr.S.K.Rameshwar, Advocate, S.R.No.33332

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RK(CO)
CS/14/05/18