

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.10920 of 2010
and
MP.No.1 of 2010

K.Bhaskaran

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
Represented by its Chairman & Managing Director,
Anna Salai, Chennai - 600 002.
 2. Junior Engineer (O & M),
Tamil Nadu Electricity Board,
Marakanam, Villupuram District.
 3. Assistant Electrical Engineer (O & M)
Tamilnadu Electricity Board,
Marakanam, Villupuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to order dated 11.05.2010 under reference No.AEE/O&M/MA/Ko.Ka/O.No.20/10 issued by the Junior Engineer, Operations and Maintenance, Tamil Nadu Electricity Board, Marakanam, the second respondent herein and quash the same.

For Petitioner : Mr.N.Mani

For R1 to R3 : Mr.M.Varunkumar for TNEB

WEB COPY
ORDER

Challenging the communication dated 11.05.2010 issued by the second respondent, the petitioner has filed this writ petition.

2.It is the case of the petitioner that he has taken the land measuring to an extent of 198.40 acres in Marakkanam Village, Tindivanam District, on lease from the Department of

Salt, Government of India, for production of commercial salt. He uses motor pump sets to pump water from the Sea/Bore Well, for which, he obtained electricity service connection bearing No.237 (Karambalam) and has been paying the consumption charges regularly without any default. According to the petitioner, salt production is a seasonal industry and his requirement for electricity is only during the production time for the purpose of running motor pump sets to draw water and hence, he sought the respondents to disconnect the supply, whenever production is not done. When the matter stood thus, the third respondent sent a letter dated 21.01.2009, directing the petitioner to pay a sum of Rs.5,50,542/- towards electricity consumption charges for the year 2007-08. Aggrieved over the same, the petitioner filed a writ petition in WP.No.4468 of 2009. This Court, by order dated 02.04.2009, disposed of the said writ petition, setting aside the order dated 21.01.2009 and remanding the matter to the third respondent therein for a fresh consideration. Pursuant to the same, the second respondent sent a letter dated 21.12.2009, to which, the petitioner submitted his objections and requested to drop the demand. However, the third respondent, vide letter dated 03.05.2010, rejected the same and directed the petitioner to pay the demanded sum. Challenging the same, the petitioner preferred an appeal under Section 127 of the Indian Electricity Act, 2003 and the same is pending. In the mean time, the second respondent sent a letter dated 11.05.2010 directing the petitioner to pay the aforesaid sum of Rs.5,50,452/- within 24 hours, failing which, electricity supply would be disconnected. Hence, this writ petition.

3. On 20.05.2010, when the matter was taken up for admission, this Court granted an order of interim injunction.

4. Today, when the writ petition is taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the appeal filed by him as against the demand raised by the third respondent in his letter dated 03.05.2010, is directed to be disposed of, by the Appellate Authority, within a time frame to be fixed by this Court.

5. On the other hand, the learned Standing Counsel appearing for the respondents submitted that the Assistant Executive Engineer (O&M), Tamil Nadu Electricity Board, Marakkanam, is the Appellate Authority, before whom, no such appeal is filed by the petitioner. He also submitted that the appeal filed, if any, before any other authority, be represented by the petitioner for consideration by the Appellate Authority.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to represent the

appeal papers to the Assistant Executive Engineer (O&M), Tamil Nadu Electricity Board, Marakkanam within a period of two weeks from the date of receipt of a copy of this order. On such representation, the Appellate Authority shall receive the same without raising any issues with regard to limitation and dispose of the same, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter. Till the disposal of the appeal, the respondents shall not disconnect the service connection and the petitioner shall continue to pay the current electricity consumption charges without any default.

7. This writ petition stands disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
2. Junior Engineer (O & M),
Tamil Nadu Electricity Board,
Marakkanam, Vilupuram District.
3. Assistant Electrical Engineer (O & M)
Tamilnadu Electricity Board,
Marakkanam, Vilupuram District.

+1cc to Mr.S.Mani, Advocate SR.No.50965

+1cc to Mr.M.Varunkumar, Advocate SR.No.50902

W.P.No.10920 of 2010

GMY (11/10/2018)