

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2395 of 2018

and

WMP.No.2913 of 2018

Pushpam Enterprises

Rep. by its Proprietor M.Ramasamy

No.5, Chelliamman Nagar

Assisi Nagar to Kumarappapuram Main Road,

Madhavaram, Chennai-600 060.

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Generation and

Distribution Corporation

No.144, N.P.K.R.R. Maaligai

Anna Salai, Chennai-600 002.

2.The Additional Director

Tamil Nadu Generation and

Distribution Corporation

Heavy Vehicle Compound

Madhavaram, Chennai-600 110.

3.The Assistant Engineer

Operation and Maintenance

Tamil Nadu Generation and

Distribution Corporation (North)

Madhavaram Industrial Estate

Manjambakkam, Chennai-600 053.

4.The Executive Engineer

Tamil Nadu Generation and

Distribution Corporation

Madhavaram CMDA Truck Terminal

Chennai-600 110.

5.The Assistant Executive Engineer

Tamil Nadu Generation and

Distribution Corporation

Madhavaram CMDA Truck Terminal

Chennai-600 110.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to restore the Electricity Service Connection (Service No.074-008-178) of the petitioner's water company by namely Pushpam Enterprises having office at No.5, Chelliamman Nagar, Assisi Nagar to Kumarappapuram Main Road, Madhavaram, Chennai-600 060, by considering the petitioner's representation dated 04.12.2017.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.P.R.Dilipkumar
standing counsel

O R D E R

Mr.P.R.Dilipkumar, learned standing counsel takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus directing the respondents to restore the Electricity Service Connection (Service No.074-008-178), by considering their representation dated 04.12.2017.

3. The case of the petitioner is as follows:-

3.1. The petitioner is running a water plant and doing the business of manufacturing packaged drinking water. The petitioner unit holds valid licence from the Bureau of Indian Standards and also from the Food Safety Standard Authority of India. The licence period is in operation till 25.09.2018.

3.2. The Government of Tamil Nadu issued an Order in G.O.Ms.No.142 Public Works (R7) Department dated 23.07.2014 to regulate the ground water extraction. The petitioner challenged the said Government Order in WP.No.29827 of 2017, before this Court and obtained an order of interim stay of the said Order on 21.11.2017. The said interim order is still in force. In the meantime, the respondents, based on the request made by the Pollution Control Board, disconnected the power supply at the petitioner premises on 22.04.2017. After obtaining the interim order from this Court as stated supra, the petitioner has made a representation on 04.12.2017, before the third respondent for restoration of the power supply. As the said request has not been considered so far, the petitioner has chosen to file the present writ petition.

4. The learned counsel for the petitioner submitted that once this Court has granted the interim order of stay of the said G.O.Ms.No.142 dated 23.07.2014, the respondents are duty bound to restore the power supply.

5. On the other hand, the learned standing counsel for the respondents, based on instructions, submitted that the petitioner is also in arrears of electricity charges and therefore, once such arrears are paid, the third respondent will restore the power supply.

6. The learned counsel for the petitioner submitted that if there are any arrears, as claimed by the respondents, the petitioner is ready and willing to pay the same before the respondents.

7. Considering the above stated facts and circumstances and considering the fact that this Court has granted interim stay of the said G.O.Ms.No.142 dated 23.07.2014 in WP.No.29827 of 2017, filed by the petitioner and considering the fact that the said interim order is still in force, the respondents are bound to restore the power supply, unless there are other legal impediment for them to do so. In this case, it is stated that the petitioner is in arrears and that is the reason, on which, the power supply is not restored. As the petitioner has come forward to pay the arrears, it is for the respondents to consider the request of the petitioner and restore the power supply, after receiving the arrears of payment. The whole exercise shall be done by the third respondent within a period of two weeks, after receipt of the entire arrears from the petitioner. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman
Tamil Nadu Generation and
Distribution Corporation
No.144, N.P.K.R.R. Maaligai
Anna Salai, Chennai-600 002.

2.The Additional Director
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Madhavaram CMDA Truck Terminal
Chennai-600 110.

+1cc to Mr.A.Rajesh, Advocate, S.R.No.8180

+1cc to Mr.P.R.Dilip Kumar, Advocate, S.R.No.8606

RRK(07/02/2018)

W.P.No.2395 of 2018

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