

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM
W.P.No.13026 of 2013

V.Venkatachalapathy

..Petitioner

Vs.

1.The Executive Engineer,
(Operation and Maintenance),
Salem Town Section,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, Salem - 1.

2.The Assistant Executive Engineer,
(Operation and Maintenance),
Gugai Section,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, Salem - 6.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order in Ka.No.USEPO/E&O/Gugai/SE/Va.Aa/Ko.HTSC.20/No.204/13-14 dated 23.04.2013 issued by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the rule of law and consequently direct the 1st & 2nd respondents to provide three phase electricity service connection to the petitioner property situated at S.No.95/3B in D.No.169/2, 169/3, 169/4, Samiappa Nagar, Seelinaickenpatti, Salem for 95 cents on receipt of appropriate cost from the petitioner.

For Petitioner : Mr.P.Haribabu

For Respondents : Mr.S.K.Raameshwar for R1 & R2

O R D E R

The order dated 23.04.2013, rejecting the claim of the writ petitioner to provide three phase Electricity Service connection to the petitioners property situated at S.No.95/3B in D.No.169/2, 169/3, 169/4, Samiappa Nagar, Seelinaickenpatti, Salem is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is the absolute owner of the property, which is described in the present writ petition. The writ petitioner submitted an application to

provide service connection in the said premises stated above. However, the application submitted by the writ petitioner has been rejected by the respondents in proceedings dated 23.04.2013, stating that in respect of payment of arrears of consumption charges and theft of energy, amounting to Rs.22,55,45,744/- (Rupees Twenty Two Crores, Fifty Five Lakhs, Forty Five Thousand, Seven Hundred and Forty Four only) is pending before the Courts for adjudication.

3. The learned counsel appearing on behalf of the respondents states that the writ petitioner and the other Directors of the Company had involved in the offence of theft of energy to a huge extent of all such charges, which are pending before the competent Courts for adjudication.

4. Under these circumstances, the respondent Board is not in a position to provide a fresh service connection and the same is impermissible under Regulation 17(9) of the Tamil Nadu Electricity Supply Code, which states as follows:

"In case of service connection in a premises, which have been disconnected/dismantled for defaults in payment of dues whatsoever and if such service connections are to be reconnected or new service connections are to be obtained by other persons in such premises either by purchase or transfer or lease basis, the distribution licensee shall reconnect such a service connections or effect new service connections, as the case may be, in such premises only after payment of dues attributed to such premises by the applicant."

5. This Court is of an opinion that the writ petitioner along with others had involved in respect of the allegation of theft of energy and non payment of consumption charges. The arrears to be paid to the Electricity Board is amounting to Rs.22,55,45,744/- (Rupees Twenty Two Crores, Fifty Five Lakhs, Forty Five Thousand, Seven Hundred and Forty Four only) even in the year 2013. Now, it would be still more and all these allegations are now pending before various Courts for adjudication. Under these circumstances, the decision taken by the respondents relying on Regulation 17(9) of the Tamil Nadu Electricity Supply Code is in accord with the provisions of law and there is no infirmity as such. Only after settling all the issues in relation to the theft of energy, the case of the writ petitioner shall be considered on merits and in accordance with law.

6.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

- 1.The Executive Engineer,
(Operation and Maintenance),
Salem Town Section,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, Salem - 1.
- 2.The Assistant Executive Engineer,
(Operation and Maintenance),
Gugai Section,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, Salem - 6.

W.P.No.13026 of 2013

GSP(10/09/2018)

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