

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.1958 of 2018

and

W.M.P.No.2464 of 2018

S.Anandharaj

... Petitioner

vs.

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Anna Salai,
Chennai - 600 002.
 2. The Assistant Executive Engineer/ O&M,
Tamil Nadu Generation and
Distribution Corporation Ltd.
CEDC/Chengalpattu (South)
 3. The Junior Engineer/O&M,
Tamil Nadu Generation and
Distribution Corporation Ltd.
Bukkathurai,
Chengalpattu (South)
- ... Respondents

Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 herein to restore the electricity service connection in LTCT SC No.506-003-873/V to the petitioner's premises at No.42/3, GST road, Chinnakolambakkam, Madhuranthagam Taluk, Kancheepuram District.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.S.K.Rameshwar,
Standing Counsel

O R D E R

Mr.S.K.Rameshwar, learned Standing Counsel takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal.

2. Learned counsel for the petitioner submitted that the

power supplied to the petitioner premises was disconnected arbitrarily on the same day of issuing the provisional assessment order and also by issuing a compound fee notice both dated 20.01.2018. It is further submitted that the petitioner has paid the compounding charges of Rs.1,96,000/- on the very same day and a receipt is also issued in Receipt No.005477935 dated 20.01.2018. It is further contended that the petitioner is running a Restaurant and therefore, without power supply, the petitioner is put to severe hardship.

3. It is seen that in the provisional assessment order dated 20.01.2018, the petitioner was given seven days time for paying the amount of Rs.13,31,719/- towards the electricity charges. However, before even the time granted in the said proceedings expires, the respondents have disconnected the power supply on the very same day of issuing the order of provisional assessment. It is stated by the learned counsel for the petitioner that already the petitioner has filed his objection before the second respondent on 26.01.2018 and therefore, it is for the respondents to consider the objections of the petitioner and pass final assessment order.

4. Considering the above stated facts and circumstances, this Court is of the view that the respondents shall restore the power supply to the petitioner, subject to payment of Rs.4,00,000/-, without prejudice to the contention of the petitioner to agitate the matter against the provisional order of assessment before the authorities. Accordingly, the writ petition is disposed of with the following terms:

a) The petitioner shall pay a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the 2nd respondent on or before 07.02.2018 without prejudice to his contentions against the provisional order of assessment.

b) On receipt of such payment, the respondents shall restore the power supply to the petitioner premises forthwith.

c) As this Court is not expressing any view on the merits of the claim made by the petitioner as against the provisional order of assessment, it is for the 2nd respondent to consider the objection given by the petitioner dated 26.01.2018 and pass final order of assessment on merits and in accordance with law within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

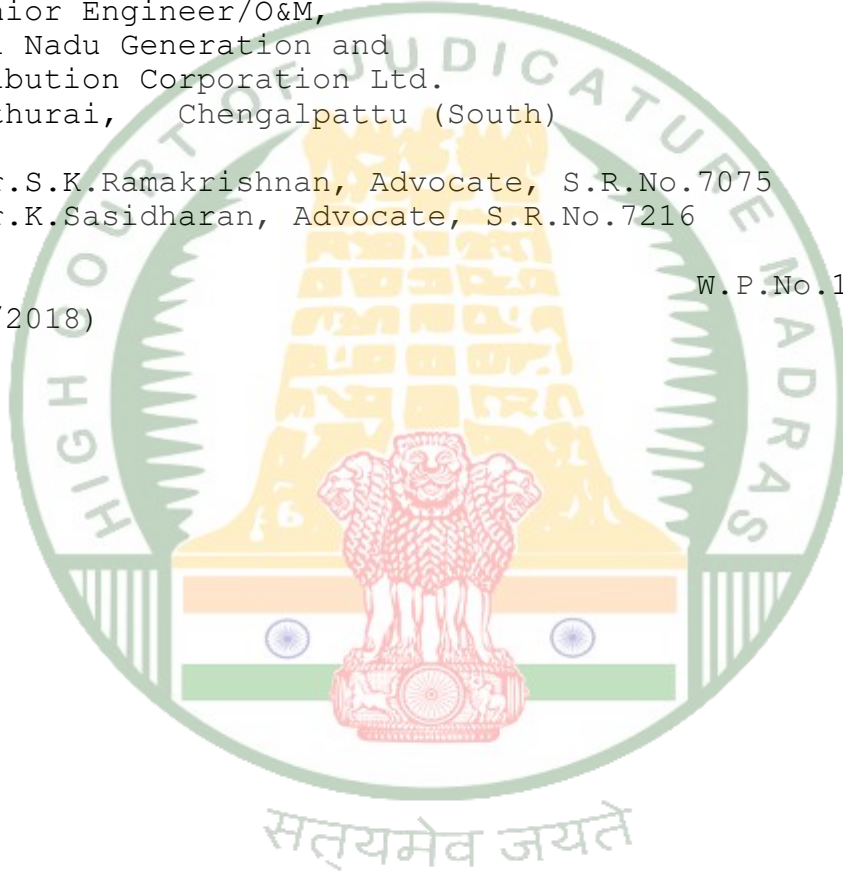
To

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and
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Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer/ O&M,
Tamil Nadu Generation and
Distribution Corporation Ltd.
CEDC/Chengalpattu (South)
3. The Junior Engineer/O&M,
Tamil Nadu Generation and
Distribution Corporation Ltd.
Bukkathurai, Chengalpattu (South)

+lcc to Mr.S.K.Ramakrishnan, Advocate, S.R.No.7075
+lcc to Mr.K.Sasidharan, Advocate, S.R.No.7216

W.P.No.1958 of 2018

RRK(31/01/2018)



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