

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.No.25156 of 2007

and

M.P.No.1 of 2007

P.Subbian

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Petitioner

Versus

- 1.The Additional Chief Engineer,
Tamil Nadu Electricity Board
Coimbatore Electricity Supply Division/Metro
Tatabad
Coimbatore-12.
- 2.Executive Engineer Distribution
Tamil Nadu Electricity Board,
Coimbatore E.D.Circle/Metro
Ondipudur,
Coimbatore.
- 3.The Assistant Executive Engineer,
Coimbatore Electricity Distribution Circle/Metro
Tamil Nadu Electricity Board,
Sulur,
Coimbatore.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Lr.No.EE/Distbn/OPR/CA/F. Violation DKT 545/D 741/06 dated 8.3.2006 and the consequential proceedings of the first respondent dated 10.01.2007, quash the same and consequently direct the respondents to forthwith refund the amounts collected by them as compensation charges amount to Rs.1,93,607/- along with the BPSC charges of Rs.14580/- along with interest as applicable for delayed payment made to the respondents within such time as may be fixed by this Court.

For Petitioner : Mr. R.Karthikeyan

For RR 1 to 3 : Mr.S.K.Rameshuwar

O R D E R

Challenging the order dated 08.03.2006 wherein, the petitioner misuse of tariff of 8 kilowatt loads for agricultural purpose. Since the petitioner obtained for the purpose of purview service connection 844/IIIB, Paurvai distribution was inspected by the Assistant Engineer/South/Sulur (incharge) on 27.01.2006 and it was found that, out of 105.84 kilowatt, 8 kilowatts loads utilized for agricultural purpose. For change of use, the petitioner replied to pay the compensation and accordingly, the authority imposed the compensation of Rs.1,93,607/- (Rupees One Lakh Ninety Three Thousand Six Hundred and Seven only), failing which, the connection will be disconnected. Accordingly, the petitioner paid the amounts. If the petitioner aggrieved by the said order, the party shall file appeal within 30 days with appellate authority also as stated para 6 of the impugned order.

2. Without exacting the appellate remedy, filing Writ Petition before this Court is not maintainable.

3. In view of the above, Writ Petition is not maintainable and this Writ petition is dismissed. However, this order will not stand on the way of the petitioner to file the appeal before the Appellate Authority within 30 days from the date of receipt of a copy of this order. However, the pendency of the Writ Petition before this Court may be excluded for the purpose of filing the appeal and the learned counsel for the petitioner would submit that since there was a threat of disconnection, the petitioner deposited the entire amount as demanded in the impugned order without prejudice to its rights he may permit to file appeal. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

+lcc to Mr. R.Karthikeyan, Advocate sr.no.51570

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nr 20/08/2018