

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 28.11.2018

CORAM :  
THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.31265 of 2018  
and  
W.M.P.No.36453 of 2018

P.R.Karunakaran

...Petitioner

Vs.

1.The Executive Engineer,  
(Operation & Maintenance),  
Tamil Nadu Electricity Board,  
Tamil Nadu Electricity Generation  
& Distributing Corporation,  
Pulianthope, Chennai - 600 012.

2.The Assistant Accounts Officer,  
Tamil Nadu Electricity Board,  
Revenue Branch,  
Pulianthope, (Otteri),  
Chennai - 600 012.

3.The Assistant Engineer,  
O & M/Puliynathope,  
CEDC/CENTRAL/TNEB  
No.1, B.B.P.H.Road,  
Pulianthope, Chennai - 600 012.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Lr.No.AE/O&M/Pulianthope/F.Court Case/D.No.338/2018 dated 20.09.2018 of the third respondent and quash the same and consequently direct the respondents to waive the BPSC charges of Rs.5,43,816/- and continue to supply the electricity to the premises at Door No. Old No.32, New No.33, Nacharammal Santhu, Pulianthope, Chennai - 600 012 and pass such further orders.

For Petitioner: Mr.C.P.Palanichamy

For Respondent : Mr.P.R.Dhilipkumar  
Standing Counsel for TNEB

O R D E R

This Writ Petition is filed to quash the proceedings in Lr.No.AE/ O&M/ Pulianthope/ F.CourtCase/ D.No.338/2018 dated 20.09.2018 of the third respondent and consequently direct the respondents to waive the BPSC charges of Rs.5,43,816/- and continue to supply the electricity to the premises at Door No. Old No.32, New No.33, Nacharammal Santhu, Pulianthope, Chennai - 600 012.

2. The learned counsel for the petitioner would submit that this Court in paragraph 8 of its order dated 04.09.2018, has observed as follows :

"8. The learned Standing Counsel for the respondent Electricity Board, states that the total demanded amount is Rs.1,93,411/- out of which, the writ petitioner had already paid Rs.75,000/- at the time of admission of the present writ petition. Thus, the writ petitioner is liable to pay the balance amount of Rs.1,18,411/- plus BPSC Charges, to the respondent Electricity Board, within a period of eight weeks from the date of receipt of copy of this order."

Pursuant to the same, the petitioner has made a representation to the 3<sup>rd</sup> respondent, on 07.10.2018, requesting to waive the BPSC charges enabling the petitioner to make payment of the amount of Rs.1,18,411/- as per the aforesaid order of this Court. The writ petitioner has also relied upon the Circular Memo No. CFC/R/FC/R/AS 3/D. No.251/16 dated 16.02.2016, wherein in paragraph No.2, it is stated as follows :-

" 2. ...

1. ...

2. ...

3. Category -III: Consumers/ persons in whose services violations/ unauthorized use of electricity/ theft of electricity is detected, whether the service is under disconnection or the service is under reconnection in view of the Orders of the Court.

(i) Irrespective of the date of disconnection/date of detection of violation/unauthorized use of electricity /theft of electricity, a consumer/person may apply for waiver of BPSC under the scheme during the period when the scheme is in force. During operationalization of the scheme, the TANGEDCO can approve the waiver proposal as per the procedure proposed by them in their petition to realize the long pending arrears in order to clear the arrears of CC Charges.

For the consumers/ persons who satisfy any one of the above eligible conditions can apply under the scheme of waiver of BPSC.

According to the petitioner, eventhough the scheme is of the year 2016, the respondent Board has granted waiver to the consumers till now. Therefore, the present writ petition is filed to consider the representation of the petitioner.

3. The learned Standing Counsel appearing for the board would submit that the said scheme would apply only upto June 2016. Therefore the petitioner is not eligible to seek the relief under the aforesaid scheme. The learned counsel for the petitioner would submit that subsequent to the expiry period under the scheme, the respondent Board has entertained applications and granted waiver to the consumers and therefore seeks similar to be extended to the petitioner also, by considering his representation.

4. Considering the limited scope of prayer, without expressing any opinion on merits, the 3<sup>rd</sup> respondent is directed to consider the representation of the petitioner dated 07.10.2018 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/avr

To

1.The Executive Engineer,  
(Operation & Maintenance),  
Tamil Nadu Electricity Board,  
Tamil Nadu Electricity Generation  
& Distributing Corporation,  
Pulianthope, Chennai - 600 012.

2.The Assistant Accounts Officer,  
Tamil Nadu Electricity Board,  
Revenue Branch, Pulianthope,  
(Otteri), Chennai - 600 012.

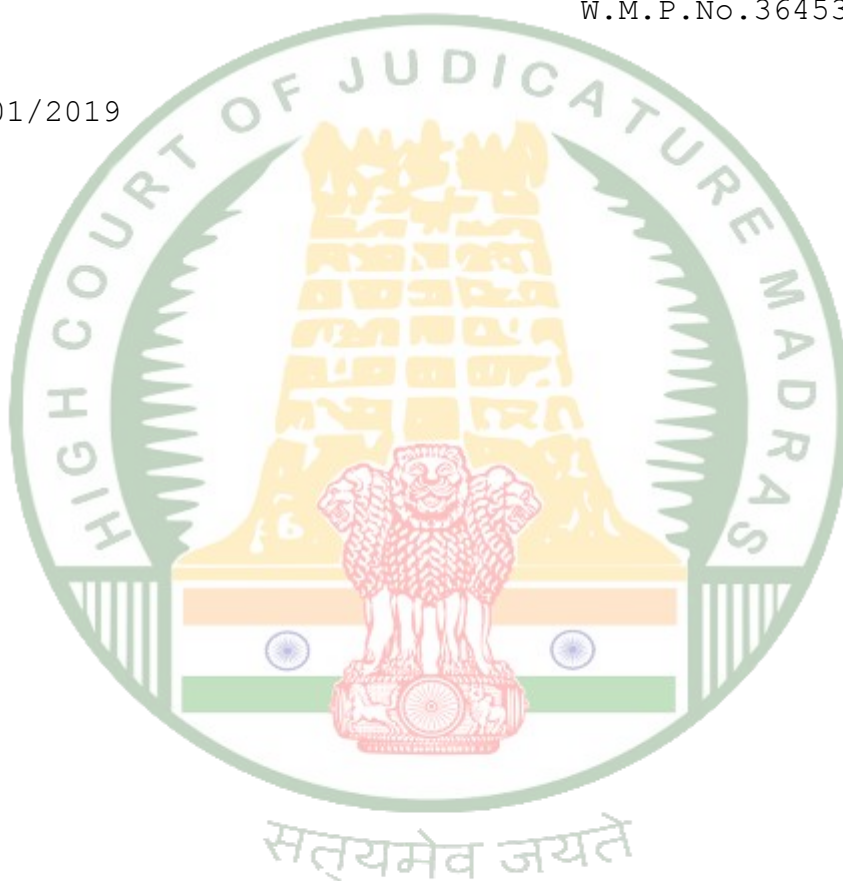
3.The Assistant Engineer,  
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Pulianthope,  
Chennai - 600 012.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.81653  
+1cc to Mr.C.P.Palanichamy, Advocate, S.R.No.81462

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and  
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SSV(CO)

rrs 11/01/2019



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