

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.02.2019
CORAM :
THE HONOURABLE MR. JUSTICE M.S. RAMESH
WP. No.30044 of 2004

A.Perumal

..Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.
 2. The Assistant Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board,
Asthampatti, Salem - 8.
- ..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings bearing K.No.AE/O&M/AFT/K.N.M.V.Kattu/No.204/4, dated 17.09.2004 on the files of the 2nd respondent and quash the same and consequently direct the 2nd respondent to restore the electricity supply in respect of service connection bearing No.219/H9 at "Panorama House" Saradha College Road, Salem 7, comprised in T.S.No.2/1A 1A 1A2 admeasuring an extent of 4748 sq.ft.

For Petitioner : Mr.V.Kalyanaraman
for M/s.Aiyar & Dolia
For Respondents : Mr.S.K.Raameshwar,
Standing Counsel for TNEB

ORDER

The order under challenge is the demand made by the respondents seeking for electricity dues to the tune of Rs.1,46,430/-.

2. The learned counsel for the petitioner would submit that the petitioner is not entitled to pay the dues of his vendors. According to him, the petitioner has purchased the property on 04.09.2003 along with electricity service connection bearing No.219/H9. As such, it is evident that there were dues of the petitioner's vendors in connection with M/s. Salem Refractories Pvt. Ltd., owned by them. Since the petitioner herein has no connection whatsoever with the said Company, he is not liable to

pay any dues. In support of his contentions, the learned counsel would rely upon the recitals in the sale deed, dated 04.09.2003.

3. I am unable to accept such a contention, in view of the Clause 17 (9) of the Tamil Nadu Electricity Supply Code 2004, which reads as follows:

"17(9). In case of service connections 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 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:

Provided that in case such premises have legally been sub-divided, the outstanding dues attributed to such premises shall be divided in proportion to the area covered by that sub-division. A new service connection to any of such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises, is duly paid by the applicant. The Distribution Licensee shall not refuse connection to an applicant of such sub-divided premises only on the ground that, dues attributed to the other portion(s) of such sub-divided premises have not been paid, nor shall the licensee demand record of last paid bills of such other portion(s) from such applicants.

(b) The authorised officer of the licensee may permit such applicant to pay the outstanding dues in instalments and to avail the service on payment of 40% of the total arrears outstanding including BPSC in addition to the charges for reconnection of such service connections or effecting new service connections. The balance 60% of the outstanding dues shall be collected in 10 monthly instalments.

(c) In case an intending buyer of a premises requests for the details of electricity charges due from the owner / occupier of the premises to the distribution licensee, the distribution licensee shall provide such details on payment of the charges as stipulated in the order of the Commission on non-tariff related miscellaneous charges for the time being in force."

4. Thus, it is seen that if the petitioner had purchased the property along with service connection, which carries certain

dues, the respondents herein are entitled to recover the same from the persons occupying the premises where the service connection is. As such, there is no infirmity in the demand being made. Hence, the Writ Petition stands dismissed. No costs.

5. At this juncture, the learned counsel for the petitioner submitted that pending Writ Petition, the petitioner had paid a sum of Rs.40,000/- towards part payment of the arrears demanded, pursuant to the interim order of this Court dated 15.10.2004. As such, the respondents shall collect the remaining amount due after adjusting the amount already paid.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.
2. The Assistant Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board,
Asthampatti, Salem - 8.

+lcc to Mr.Aiyar & Dolia, Advocate, S.R.No.15231

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VD(CO)

NR(28/03/2019)

सत्यमेव जयते

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