

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24780 of 2011

and M.P.No.1 of 2011

M/s.Sri Jain Swetamber Terapanth Trust
Rep. by its Managing Trustee
R.Inderchand Bohra
S/o.Ramchand
No.204, Triplicane High Road
Triplicane, Chennai-600 005.

..Petitioner

-Vs-

The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation
(TANGEDCO)
O & M/Mylapore CEDC/Central
110 KV SS Complex
Valluvarkottam
Chennai-34.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the respondent relating to the notice dated 17.09.2011 in Lr.No. EE / O & M / Myl / AE / CAUP / F.General / D.No.625 / 2011 and quash the same.

For Petitioner : Mr.I.Abrar Mohammed Abdullah

For Respondent : Mr.P.R.Dilip Kumar

O R D E R

Writ Petition is filed for issuance of Writ of Certiorari calling for the records of the respondent relating to the notice dated 17.09.2011 in Lr.No. EE / O & M / Myl / AE / CAUP / F.General / D.No.625 / 2011 and quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

3. The case of the petitioner is that petitioner is the religious trust of a charitable nature engaged in religious and charitable activities in relation to Jainism. In the year 1983, the petitioner had purchased the land and building to an extent of 2 grounds and 1545 sq.ft. bearing old door No.7, then No.10 and now new No.38, Singarachari Street, Triplicane, Chennai, from one M/s.Fine Hotels Pvt. Ltd., vide sale deed dated 09.09.1983 registered as Document No.661/1983 on the file of the Sub-Registrar, Triplicane. After purchase, the petitioner to expand activities of the trust had purchased separate properties. The said separate properties were clubbed into a single property for their convenience and were being used for trust activities. It is the further case of the petitioner that the petitioner's trust has been paying its electricity consumption charges regularly and has been managing the above said properties as a single unit for ease of administration. While being so, without any proper inspection, the respondent issued impugned order dated 17.09.2011 as if the 6 numbers of LT service connection was effected in the name of trust, but service connection now utilised by the trust is a single establishment, which is in violation of terms and conditions of supply of electricity of TNERC distribution code clause 27(13). Challenging the same, the present writ petition is filed.

4.Learned counsel appearing for the petitioner submitted that the respondent may be correct by referring clauses 33(4) and 27(13) of TNERC Supply Code, in fact, though more than one person after purchase is utilising that premises, the applicable clause is 14. He further submitted that in the absence of the petitioner, the respondent inspected the properties and passed impugned order, which is unsustainable one. This Court may issue direction to the respondent Board to inspect the properties in the presence of the petitioner and thereafter they may pass appropriate orders in accordance with supply code.

5.Learned counsel appearing for the respondent submitted that since the petitioner disputed that it is a single unit and the premise is not in different door numbers, this Court may issue direction to the respondent to pass appropriate orders.

6.Considering the request made by the learned counsel appearing for the petitioner, it appears that the respondent Electricity Board inspected the properties in the absence of the petitioner and passed the impugned order. Under such circumstance, this Court hereby directs the respondent to inspect the properties in the presence of the petitioner on 27.11.2019 and pass appropriate orders on merits and in accordance with law.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

kj

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation, (TANGEDCO)
O & M/Mylapore CEDC/Central
110 KV SS Complex
Valluvarkottam, Chennai-34.

+1cc to Mr.I.Abrar Md Abdullah, Advocate, SR.No.92953

W.P.No.24780 of 2011
and M.P.No.1 of 2011

Kak(11/11/2019)



WEB COPY