

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7937 of 2010

&

M.P.No.2 of 2010

Hotel Dee Cee Manor,
No.90, G.N.Chetty Road,
T.Nagar, Chennai-600 017.

...Petitioner

.Vs.

1. The Chairman,
Tamil Nadu Electricity Superintending Engineer,
No.800, Anna Salai,
Chennai-600 002.

2. The Executive Engineer,
Tamil Nadu Electricity Board,
T.Nagar, Chennai-600 017.

.... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the second respondent bearing Order EE/O&M/TN/AAO/MBM/AS/BA/A/c.No. 221.011.529/D / 1309/08 dated 12.03.2010 passed by the second respondent and quash the same and forbear the respondent from demand the amount of Rs.2,90,362/- from the petitioner after the lapse of 10 years without any notice.

For Petitioner : Mr.P.Subba Reddy

For Respondents: Mr.P.R.Dilipkumar

ORDER

The petitioner has filed this writ petition, seeking the following relief:-

"To issue a writ of Certiorarified Mandamus, to call for the records of the second respondent bearing Order EE/O&M / TN/AAO/MBM/AS/BA/A/c.No.221.011.529/D/1309/ 08, dated 12.03.2010, passed by the second respondent

and quash the same and forbear the respondent from demand the amount of Rs.2,90,362/- from the petitioner after the lapse of 10 years without any notice."

2.The case of the petitioner is that on 25.10.2000, they obtained Electricity Service Connection bearing No.221-11-529, TPV for its hotel premises at No.87, G.N.Chetty Road, T.Nagar, Chennai-600 017. Since obtaining the Electricity Service connection, there was no irregularity of any kind or error committed by them. According to the petitioner, Service Connection was granted with the connected load of 89 K.W. and 23 K.W. Power lightening load on 25.10.2000. The petitioner remits the charges for the electricity consumed at the rate of Rs.89/- per unit every month. However, in the first year of getting connection, the Electricity Department has allowed excess consumption as a one time measure and no penalty was levied. The learned counsel for the petitioner submitted that LT CT Service Meter Card for the year 2000-2001 would show that on 30.12.2000, it was mentioned by the Electricity Department that First time in calendar year 2000- No penalty and on 22.02.2001-first time for the calendar year 2001 - No penalty. However, without issuing any notice to the petitioner, he was asked to make payment of Rs.2,90,362/- being the penalty amount for excess Kilo Watts pertaining to the period December-2000 and February-2001, failing which, they will remove the fuse connection in respect of the Hotel premises of the petitioner. Apprehending the threat of disconnection, the petitioner paid the first installment of Rs.58,074/- and immediately filed the present writ petition before this Court.

3.This Court, while entertaining the writ petition on 05.05.2010, has granted interim stay on condition that the petitioner shall deposit 50% of the amount demanded within two weeks, failing which, the interim stay granted shall stand automatically vacated. Based on the interim stay granted by this Court, the petitioner has paid a sum of Rs.1,45,000/- to the second respondent. The learned counsel for the petitioner submitted that since the petitioner has complied the condition of this Court by depositing 50% of the amount demanded, he may be permitted to deposit the balance amount of Rs.1,45,118/- without BPSC and penal interest.

4.The learned counsel for the respondent Electricity Board submitted that the petitioner has complied the condition imposed by this Court by depositing 50% of the amount demanded.

5.In view of the above discussion, this writ petition is disposed of with a direction to the petitioner to deposit the balance demand of Rs.1,45,118/- without BPSC and penal interest,

within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Superintending Engineer,
No.800, Anna Salai,
Chennai-600 002.
2. The Executive Engineer,
Tamil Nadu Electricity Board,
T.Nagar, Chennai-600 017.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.64484

+1cc to Mr.P.Subba Reddy, Advocate, SR.No.64388

W.P.No.7937 of 2010 &
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Kak(18/09/2019)

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