

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3789 of 2019
and
WMP.No. 4193 and 4196 of 2019

K.S.Palanisamy

..Petitioner

-vs-

1.The Superintendent Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Mettur Electricity Distribution Circle
Mettur

2.The Assistant Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
O&M East, Sangagiri 637 301
Salem District

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the notice dated 23.01.2019 to quash the account summary in so far as merged in the amount of Rs.3,72,852/- in domestic in the white meter card in each of the four service connection namely Consumer No.(1) 0416501088 (2) 041650101355 both the domestic services and (3) 04165011309 and (4) 04165011229 issued by the second respondent both are commercial service for the purpose of godown in the name of the petitioner.

For Petitioner :: Mr.G.Vasudevan

For Respondents :: Mr.S.K.Raameshuwar
Standing Counsel

ORDER

This writ petition has been filed questioning the impugned order dated 23.1.2019 calling upon the petitioner to pay the outstanding dues of Rs.14,91,409/-.

2. Learned counsel for the petitioner submitted that the petitioner has been enjoying the four electricity service connections viz., two domestic service connections and two

commercial service connections for the godown. It is stated that the domestic service connections are being occupied by the petitioner and another service being enjoyed by his tenants. While so, one M/s V.M.T.Steels Rolling Mills Private Limited had committed default in HTSC No.222, because their lessee A.Ferozkhan at Sulaiman Steels entered into a lease agreement on 17.11.2012 for running the company and subsequently they committed default and abandoned the company, as a result the amount of Rs.14,91,409/- became due to the respondents. Subsequently, M/s V.M.T.Steels Rolling Mills Limited also became a sick company and could not pay the dues. Hence, the second respondent has included the said amount of Rs.3,72,852/- each in the two domestic service connections and two commercial service connections belonging to the petitioner. Since the petitioner has been directed to pay the entire amount of Rs.10,91,409/-, being a senior citizen, he is unable to make the payment, because the company also has become defunct and closed. Taking note of the status of the petitioner as a senior citizen, this Court, by order dated 12.2.2019, directed as follows:-

"2. Learned counsel for the petitioner would submit that the petitioner has been regularly paying the current consumption charges relating to two domestic services and two commercial services without any default whatsoever. He would further submit that the second respondent failed to note that the arrears of the company in the year 2013 and the accounts of the company were closed by issuance of termination notice and therefore, the petitioner's domestic service shall not be disconnected. As the petitioner was unable to pay the arrears immediately, learned counsel for the petitioner undertakes to pay Rs.4,00,000/- within a period of two weeks from today.

3. Post the matter after two weeks for showing the payment proof of Rs.4,00,000/-. Till then the respondents are directed not to disconnect the electricity service connection of the petitioner."

3. When the matter is taken up today, the learned counsel for the petitioner submitted that since the petitioner has shown his bona fides by paying Rs.4,00,000/- as undertaken before this Court, he needs six more instalments to clear the balance amount.

4. The learned standing counsel for the respondents objected to the same stating that unless the balance amount is paid, the service connections cannot be allowed to be continued.

5. It is at this stage, Mr.G.Vasudevan, learned counsel for the petitioner stated that he is prepared to give a representation to the second respondent seeking time to make the entire dues that may be directed to be disposed of on merits expeditiously.

6. Considering the fact that the petitioner has paid a sum of Rs.4,00,000/- as per the direction issued by this Court, the petitioner is given liberty to make the representation within a week from the date of receipt of a copy of this order seeking time to clear the entire dues and on receipt of such representation, the second respondent shall consider the same and pass appropriate orders on merits within a period of two weeks thereafter. Till then, the respondents shall not disconnect the electricity service connections of the petitioner. With this direction, the writ petition stands disposed of. Consequently, W.M.P.Nos.4193 & 4196 of 2019 are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Mettur Electricity Distribution Circle
Mettur
2. The Assistant Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
O&M East, Sangagiri 637 301
Salem District.

+1cc to Mr.G.Vasudevan, Advocate, S.R.No.19816

W.P.No.3789 of 2019

VSN II (CO)

RRS (04/04/2019)