

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.6901 of 2019 and

WMP.No.7642 of 2019

E.Ganesan

... Petitioner

Vs

1. The Chairman,
TANGEDCO,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.
2. Director General of Police,
TANGEDCO - Vigilance,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.
3. Superintending Engineer,
Chennai Electricity Distribution Circle
(South), 110KV, K.K.Nagar,
SS Complex, Anna Main Road,
1st Floor, K.K.Nagar, Chennai-78.
4. Superintending Engineer,
Anti Power Theft Squad,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.
5. Assistant Executive Engineer,
TANGEDCO, Velachery,
110 KV, Velachery SS Complex,
No.40-A, Velachery Main Road,
Velachery, Chennai-42.
6. Assistant Engineer,
TANGEDCO, Velachery,
110 KV, Velachery SS Complex,
No.40-A, Velachery Main Road,
Velachery, Chennai-42.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to hold a fair and proper enquiry before penalising the petitioner with a fine of Rs.85,000/- in connection with Electricity Connection No.09-210-030-2379.

For Petitioner : Mr.K.Subburam
For Respondents : Mr.S.K.Raameshwar,
1 to 6 Standing Counsel

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to hold a fair and proper enquiry before penalising the petitioner with a fine of Rs.85,000/- in connection with Electricity Connection No.09-210-030-2379.

2. Learned Counsel appearing for the petitioner submitted that the petitioner is having 3 domestic electricity connections and 3 commercial electricity connections for consumption of various portions in his property, namely, land and building situate at No.10/16, Lakshmi Nagar Main Road, Velachery, Chennai-42. All the electricity connections are in the name of the petitioner. While so, the portion at the second floor is a residential portion consisting of Kitchen, Hall, 3 bed rooms and one Pooja Room and the petitioner's son has entered into a Rental Agreement with one Smt.H.Tahira on 22.11.2018 whereby the petitioner's son agreed to give the 2nd floor portion to the said H.Tahira to run a hostel. The said Tahira also took possession of the said portion thereafter.

3. The learned Counsel for the petitioner further submitted that the officials of the 4th respondent herein inspected the petitioner's premises at the 2nd floor on 2.2.2019 and orally told him that they would impose a fine of Rs.85,000/- on the ground that the electricity connection was not changed to commercial and continued to be used as domestic one. The officials of the 4th respondent were informed that a representation in this regard was already given informing the 6th respondent about the rental agreement and requested to change the particular electricity connection tariff from domestic to commercial. Thereafter, the 4th respondent has imposed a fine of Rs.2,000/- towards compounding charges and further informed that petitioner would have to pay a fine of Rs.85,000/- towards usage of electricity for commercial purpose for a period of one year, without hearing the petitioner. Therefore, according to the petitioner, no prejudice would be caused, if he is permitted to explain his case before the Assistant Executive Engineer, TANGEDCO, Velachery, Chennai-42, the 5th respondent herein. Hence, the present Writ Petition has been filed by the petitioner.

4. Heard Mr.S.K.Raameshuwar, learned Standing Counsel for the respondents.

5. Considering the facts and circumstances, without going into the disputed area, this Court hereby directs the Assistant Executive Engineer, TANGEDCO, Velachery, 110 KV, Velachery SS Complex, No.40-A, Velachery Main Road, Velachery, Chennai-42, the 5th respondent herein to provide an opportunity of hearing to the petitioner in respect of proposing to impose a fine of Rs.85,000/- towards usage of domestic electricity connection for commercial purpose in the 2nd floor of petitioner's premises at No.10/16, Lakshmi Nagar Main Road, Velachery, Chennai-42. for a period of one year and to pass appropriate orders within a period of two weeks from the date of receipt of a copy of this Order.

6. At this stage, the learned Counsel for the petitioner submitted that the respondents have disconnected the Electricity Service Connection No.09-210-030-2379 in the second floor of the petitioner's premises on 27.02.2019 and the same may be ordered to be restored in the meanwhile.

7. Considering the request of the learned Counsel for the petitioner, the respondents are directed to restore the Electricity Service Connection No.09-210-030-2379 in the second floor of the petitioner's premises on condition that the petitioner pays 30% of the proposed fine amount of Rs.85,000/-.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.
2. Director General of Police,
TANGEDCO - Vigilance,
NPKRR Maligai,
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No.40-A, Velachery Main Road,
Velachery, Chennai-42..

+1cc to Mr.S.K.Raameshwar , Advocate SR.No. 34416
+1cc to Mr.K.Subburam , Advocate SR.No. . 34283

ssd(CO) A.SK(06/05/2019)

W.P.No.6901 of 2019

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