

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7892 of 2012

and

M.P.No.1 of 2012

R.Kesavan

...Petitioner

Vs.

1.The Assistant Divisional Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Perambalur (Town), Perambalur.

2.The Assistant Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Perambalur (Town), Perambalur.

3.The Assistant Executive Engineer
(Enforcement),
TANGEDCO,
Tiruchirappalli.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from imposing electricity consumption charges under the Commercial Tariff in respect of the petitioner's property situate in Door No.255-B9, Ward No.4, North Madhavi Road, Sri Renga Nagar, Perambalur 621212, notwithstanding the alleged consent letter dated 14.02.2012.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.P.Gunaraj for R1 to R3

O R D E R

The petitioner filed this Writ Petition, to issue a writ of Mandamus, to forbear the respondents from imposing electricity consumption charges under the Commercial Tariff in respect of the petitioner's property situate in Door No.255-B9, Ward No.4,

North Madhavi Road, Sri Renga Nagar, Perambalur 621212, notwithstanding the alleged consent letter dated 14.02.2012.

2. According to the petitioner, he is a practicing advocate having office in his own residential premises and all of a sudden, the electricity officials inspected the petitioner's premises and allegedly found that the petitioner consumed 2.95 KV electricity and also quantified the consumption charges to the extent of Rs.12,000/- and they also registered a criminal complaint. The electricity officials also demanded the petitioner to pay a further sum of Rs.16,415/- towards fine and threatened him to pay the same failing which, they will disconnect the electricity supply. In such circumstances, the petitioner was constrained to pay the same and accordingly, under protest he paid the said compounding fee.

3. The learned counsel appearing for the petitioner would fairly submit that the petitioner has already paid the consumption charges and the same need not be returned, however, payment of compounding fee as well as registering the criminal case against the petitioner cannot be sustained. The learned counsel would also submit that all along the petitioner is enjoying the benefits by maintaining the office in his residential premises as per the Standing Orders.

4. Mr.P.Gunaraj, learned counsel appearing for the respondent would submit that there was a different view in the matter since the Electricity Board Officials took a different stand in one case and in another case, they registered a criminal case.

5. It is not in dispute that the petitioner is maintaining office in his residential premises, and without conducting third party inspection, the Electricity Board Officials imposed compounding fee and also registered the criminal case against the petitioner, which in the opinion of this Court, cannot be sustained. Therefore, in such view of the matter, the Electricity Board Officials directed to withdraw the criminal case registered against the petitioner. Since there is no provisions to refund the consumption charges and as the petitioner has no objection to adjust the compounding fee paid by him towards future consumption charges, the Electricity Board Officials have directed to adjust the amount paid towards compounding fee in respect of future consumption charges.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Assistant Divisional Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Perambalur (Town), Perambalur.
- 2.The Assistant Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Perambalur (Town), Perambalur.
- 3.The Assistant Executive Engineer
(Enforcement),
TANGEDCO,
Tiruchirappalli.

+1cc to M/s.P.Valliappan, Advocate Sr.76011
+1cc to Mr.P.Gunaraj, Advocate Sr.75953

W.P.No.7892 of 2012
and
M.P.No.1 of 2012

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