

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2019

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15162 of 2019
& W.M.P.Nos.15152 to 15155 of 2019

G.Bakiajothi,
S/o.Gnanaprakasam,
Residing at No.69/61.
ICF Colony,
Ayanampakkam Road,
Ayyappakkam,
Chennai-600 058.

... Petitioner

/versus/

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai-600 002.
2. The Chief Engineer (Commercial)
CEDC/West,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
3. The Executive Engineer,
Ambathur Range,
CEDC/West,
TANGEDCO,
Ambathur,
Chennai-600 053.
4. The Assistant Executive Engineer,
Ambathur Range,
Operation & Maintenance,
CEDC/West, TANGEDCO,
Ambathur, Chennai-600 053.
5. The Accountant,
TANGEDCO,
Ambathur Range,
Chennai-600 053.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 5th respondent in connection to that TANGEDCO consumer No.044-242-1809 as illegally collected pending deposit balance amount to the tune of Rs.24000/- during period from January 2018 to May 2019 on 20.05.2019 and to quash the same as arbitrary, illegal, unconstitutional and against the Principles of natural Justice and to direction to direct the 1st & 4th to 5th respondents to reinstall the disconnected TANGEDCO consumer No.044-242-1809 within 24 hours and from the date of knowledge of the order of this Hon'ble High Court and consequently direct the 1st, 4th to 5th respondents not to collect any illegal electricity consumption charges to the Rs.1,66,255/- from the petitioner and to maintain accountability, transparency of consumption of electricity charges of the petitioner in connection to the TANGEDCO consumer No.044-242-1809 and further direct to the 4th and 5th respondent has to refund petitioner deposit amount Rs.24,000/- as illegally collected from the petitioner on 20.05.2019 and quash the same is arbitrary, illegal, unconstitutional and against the principal of natural justice.

For Petitioner : Mr.G.Dakshinamurthy

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The demand of penalty and the consequential disconnection of power supply is challenged in this Writ Petition.

3. The learned counsel for the respondents would submit that the service connection has been disconnected for misuse of Electricity. The petitioner herein contents that there was no misuse of Electricity and therefore, the service connection should be restored. Contrarily, the Learned Counsel for the respondents has produced the communication issued by the Assistant Executive Engineer/4th respondent to the petitioner herein that the domestic service connection given to her has been diverted for a commercial establishment by name M/s.Om Saravana Stores and that was found by the inspection team which conducted surprise check.

4. In the light of the above facts, since a grave violation of the terms alleged to have been committed by the petitioner herein, this Court cannot direct the respondents to restore the Electricity service connection to the petitioner.

5. The learned counsel appearing for the respondents would submit that if the petitioner is aggrieved by the order passed by the Assistant Executive Engineer, the Appellate remedy is available with the Executive Engineer, who is the Appellate Authority.

6. Under the said circumstances, the petitioner is directed to submit his appeal against the order passed by the Assistant Executive Engineer to the Executive Engineer. On receipt of the appeal, the Executive Engineer shall conduct enquiry and pass orders, within the period of three weeks, from the date of receipt of a copy of this order. If the petitioner wants reconnection, pending her appeal, on deposit of 50% of the demand raised by Assistant Executive Engineer, service connection shall be restored pending disposal of the appeal.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai-600 002.
2. The Chief Engineer (Commercial)
CEDC/West, Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
3. The Executive Engineer,
Ambathur Range,
CEDC/West,
TANGEDCO,
Ambathur,
Chennai-600 053.

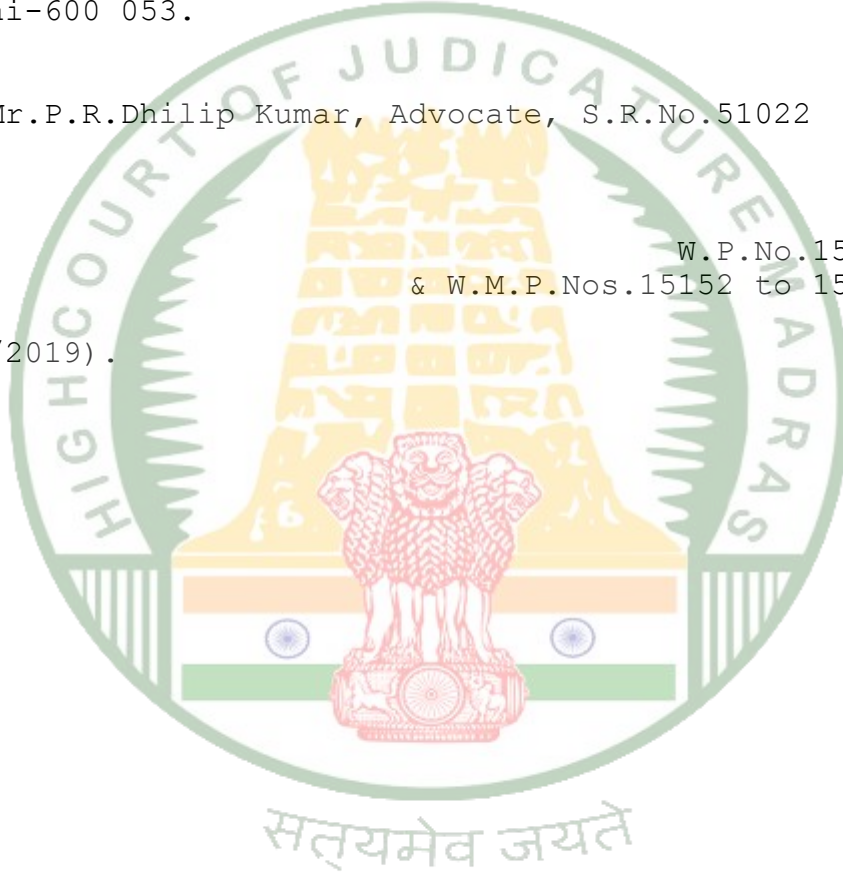
4. The Assistant Executive Engineer,
Ambathur Range,
Operation & Maintenance,
CEDC/West, TANGEDCO,
Ambathur, Chennai-600 053.

5. The Accountant,
TANGEDCO,
Ambathur Range,
Chennai-600 053.

+1 cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.51022

BR(CO)
SSM(24/07/2019).

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