

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.Nos.29359, 29363 & 29366 of 2019
and

W.M.P.Nos.29173, 29176, 29180,
29181, 29184 & 29185 of 2019

Mr.R.Prem Kumar, 38 years,
S/o Ramachadran,
President of P dot G Flat Owners Welfare Association,
Flat No.459, Navajeevan Block,
P dot G Express Apartment,
Manikandan Nagar,
Kundrathur - 600 069. ...Petitioner in all the W.Ps

/versus/

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.800, K.R.Ramasamy Maaligai,
Anna Salai,
Chennai - 600 002.
- 2.The Assistant Engineer,
(Operation and Maintenance)
Chennai Electricity Distribution Circle/South,
Kundrathur Unit,
Kundrathur - 600 069.
- 3.Mrs.Uma
- 4.Mrs.Ponni
- 5.M/s. P dot G Projects,
Rep. Managing Partner
Mr.Prabhakar Reddy, S/o.P.R.Govindan,
P dot G 8 Square, No.26, Balasubramaniyan st
Sapthagiri Nagar,
Valasaravakkam, Chennai-116.

.. Respondents in all W.Ps

COMMON PRAYER Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relates to the impugned demand notices, dated 22.06.2018, vide ka. Enn.E.Ni.Po/Vi/Ko Aduit/A.No20/12, ka. Enn.E.Ni.Po/Vi/Ko

Aduit/A.No21/12 & Ka.Enn.E.Ni.Po/Vi/Ko Aduit/A.No.22/12 issued by the 2nd Respondent against the electricity service connection Nos.234-007-1160, 234-007-1710 & 234-007-1864 respectively and quash the same as illegal and unconstitutional and consequently direct the 2nd Respondent to collect charges for the present 10 common passage area service connection from the petitioner.

For Petitioner :Ms.V.Kayalvizhi
For Respondents :Mr.S.K.Rameshuwar,
Standing counsel

C O M M O N O R D E R

These Writ Petitions have been filed by the Association challenging the demand made by the Electricity Board for consumption of electricity under the service connections which stands in the name of Respondents 3 and 4.

2.The averment made in these writ petitions is that, the Fifth respondent promoted P Dot G Express Apartment in partnership with 3rd and 4th respondents. The flats were sold to 3rd parties who have formed Association. The electricity service connections were obtained by the 3rd and 4th respondents for the 9 blocks, Super Market, Park common passage. For default in payment of consumption charges for a tune of Rs.8,42,321/- two service connections were disconnected. Presently, demand notice is issued for recovery. The said demand is challenged as unconstitutional.

3.These writ petitions are liable to be dismissed primarily on the ground that impugned notice not issued to the petitioner nor the petitioner Association is the consumer. Secondly, for non payment of consumption charges earlier the service was disconnected. Neither the petitioner nor the 3rd and 4th respondents had paid the consumption charges. Now by shifting the responsibility on the 5th respondent promoter, under the garb of the Association, attempt is made to avoid payment of the consumption charges.

4.This Court finds no reasonable ground to interfere. These Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

tsg

To

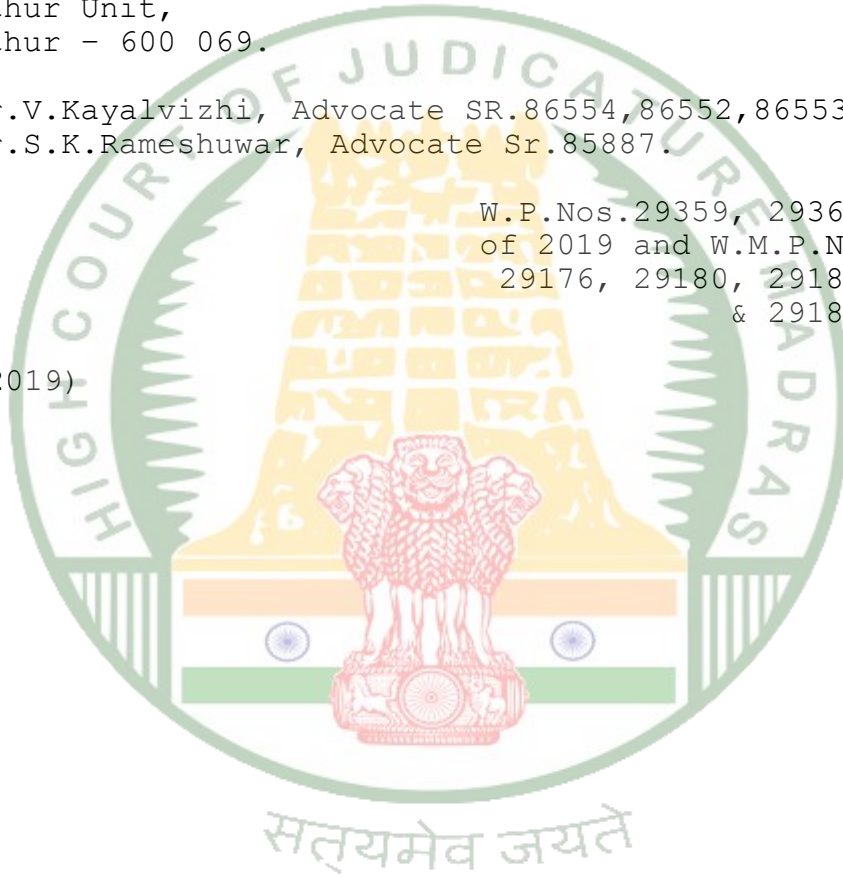
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Kundrathur - 600 069.

+3cc to Mr.V.Kayalvizhi, Advocate SR.86554,86552,86553
+1cc to Mr.S.K.Rameshuwar, Advocate Sr.85887.

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PM(CO)
CB(21/11/2019)



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