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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.8590 of 2019
and
W.M.P.(MD)Nos.6708 and 6709 of 2019

T.Bagavathiappan ... Petitioner

Vs

1.The Chief Engineer (Distribution)
TNEB,
Maharaja Nagar,
Tirunelveli – 627 011.

2.The Junior Engineer (Distribution),
TANGEDCO, NCL,
Koodankulam,
Tirunelveli District – 627 106. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Ku No.E.M.P/V/K.Kulam/Ko.Ka/No87/18DT dated 18.03.2019 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.lajapathi Roy
For Respondents : Mr.G.Kasinathadurai

ORDER

Heard the learned counsel on either side.

2.This writ petition was taken up for final hearing with the consent of both sides.

3.The petitioner set up a refrigeration unit to supply ice blocks to the local fishermen and fishing traders to preserve their fish catch. The petitioner was provided with electricity service connection. The petitioner asked for enhancement of the load. The said request was also granted. While so, the petitioner was suddenly served with a demand for payment of Rs.7,72,880/-. The stand of the respondent is that there was some error in calculation and therefore this amount will have to be paid by the petitioner within 30 days. The said demand dated 18.03.2019 is under challenge in this writ petition.

2.The learned counsel appearing for the respondents submitted that no interference is called for and this writ petition deserves to be dismissed.

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3.The learned counsel appearing for the petitioner states that if he called upon to pay the said amount forthwith, he would be suited.

4.Therefore, taking note of the facts and circumstances of this case, particularly, the fact that demand for payment of a huge sum has been suddenly raised, this Court is of the view that interest of justice would be better served if the demanded amount is allowed to be paid in 10 monthly installments. The first installment will commence on 02.05.2019. The petitioner through his counsel undertakes that all the 10 monthly installments would be paid without any default. If the petitioner commits two consecutive defaults, the order now passed would stand automatically recalled and this writ petition would be dismissed.

5.The learned counsel for the petitioner undertakes that he would not ask for extension of time or modification of the order. Ofcourse, the petitioner has to pay the regular monthly consumption charges and other statutory dues.

6.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

pnn

To

1.The Chief Engineer (Distribution)
TNEB, Maharaja Nagar,
Tirunelveli - 627 011.

2.The Junior Engineer (Distribution),
TANGEDCO, NCL, Koodankulam,
Tirunelveli District - 627 106.

+1CC TO MR.G.KASINATHA DURAI, Advocate Sr. No.60328
+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No. 60360

W.P.(MD)No.8590 of 2019

TR (24.04.2019) 2P 5C

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