

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2349 of 2020
and
W.M.P. No. 2742 of 2020

K. Padmapriya ... Petitioner

-vs-

1. The Chief Finance Controller,
Tamil Nadu Electricity Generation and Distributions Ltd.,
7th Floor, NPKRR Maaligai,
No. 144, Anna Salai,
Chennai - 600 002.
 2. The Divisional Engineer,
Tamil Nadu Electricity Generation and Distributions Ltd.
(North),
Perambur,
75, Paper Mills Road,
Chennai - 600 118.
 3. The Assistant Engineer,
Kodungaiyur, O & M/C.E.D.C.,
Tamil Nadu Electricity Generation and Distributions Ltd.
(North),
Chennai - 600 011.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the proceedings in letter notice dated 18.09.2019 passed by the Third Respondent towards wrong application of BPSC during the disconnection period and quash the same as illegal, arbitrary and against the provision of Electricity Act, 2003, and Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr. B.K. Girishneelkantan

For Respondents: Mr. P.R. Dhilipkumar,
Standing Counsel

O R D E R

The Writ Petition has been filed challenging the notice dated 18.09.2019 requiring the Petitioner to pay a sum of Rs.4,06,461/- towards electricity consumption charges along with belated payment surcharge.

2. Learned Counsel for the Petitioner submits that the Petitioner is willing to remit the entire arrears of electricity consumption charges and he has also produced a demand draft No. 932011 dated 07.02.2020 drawn in Indian Overseas Bank for the sum of Rs.1,33,515/- towards the same. It is brought to notice that in respect of Belated Payment Surcharge, the Petitioner has already made a representation dated 13.01.2020 for its waiver to reduce that amount. He further states that in order to show bonafides and without prejudice to the contentions of the Petitioner in the Writ Petition, the Petitioner is willing to give bank guarantee for the sum of Rs.4,06,461/-, which is claimed as Belated Payment Surcharge and he has filed a memo to that effect, which is recorded.

3. Having regard to the aforesaid submissions made, in the event of the Petitioner producing bank guarantee issued by any Nationalized Bank for a sum of Rs.4,06,461/- in favour of the Superintending Engineer, CEDC (North) by 15.04.2020, the Third Respondent shall consider the representation dated 13.01.2020 made by the Petitioner and after affording full opportunity of hearing to him, deal with each of the contentions raised by the Petitioner and pass reasoned orders on merits in accordance with law, and communicate the decision taken to the Petitioner under written acknowledgment by 30.04.2020. Depending upon its outcome, it would be open to the respective parties to work out their remedies for further action in accordance with law. It is needless to add here that till the aforesaid representation is disposed, the Respondents shall not disconnect electricity supply to the premises of the Petitioner. It is also made clear that if bank guarantee for the aforesaid amount is not furnished by the Petitioner within the stipulated time limit, the Respondent shall be entitled to proceed further in accordance with law and the Petitioner cannot claim benefit of this order.

4. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

vjt/rmk

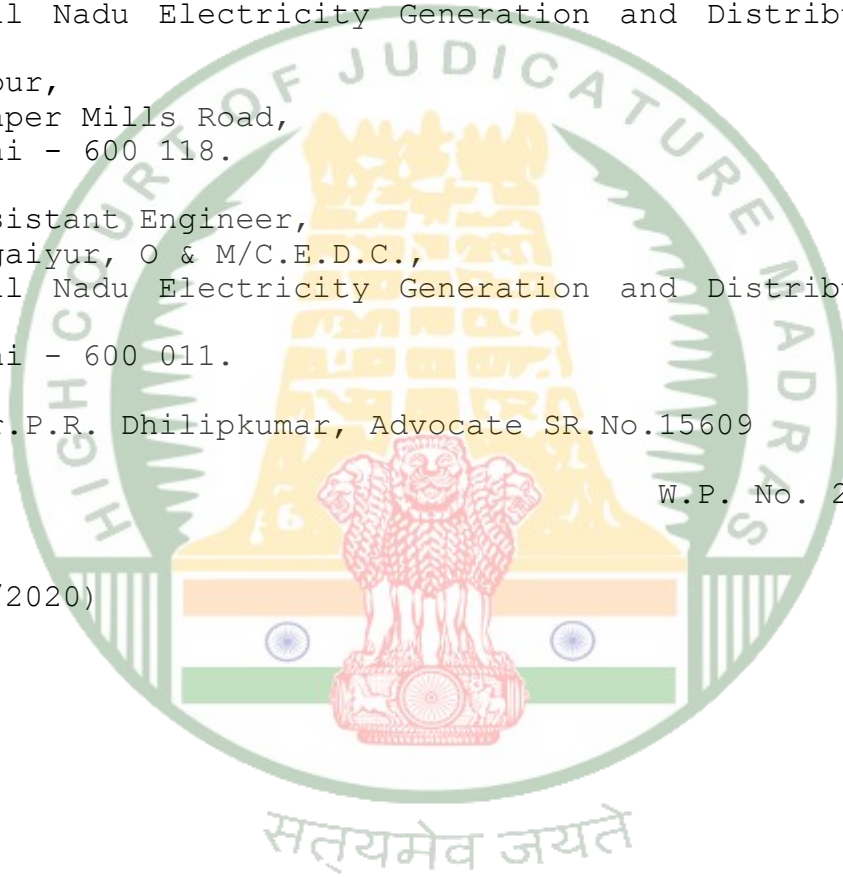
To

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+1cc to Mr.P.R. Dhilipkumar, Advocate SR.No.15609

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MP (CO)
GMY (10/06/2020)



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