

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5792 of 2020
and
W.M.P.No.6769 of 2020

Uma Ramakrishnan

... Petitioner

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kodambakkam,
Chennai - 600 024.
- 2.Executive Engineer/EB/KKN,
South-1 Plan,
K.K.Nagar,
Chennai - 600 078.
- 3.Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO/CEDC,
Capper Hills, Cuddalore - 607004.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the first respondent comprised in impugned Notice dated 02.12.2019 bearing ref No.00.Se.Po/Ex pa/Kodambakkam/Kc 249/2019 and to quash the same.

For Petitioner : Mr.T.K.Bhaskar

For Respondents: Mr.M.Varun Kumar

O R D E R

Heard Mr.T.K.Bhaskar, learned counsel for the petitioner and Mr.M.Varun Kumar, learned counsel for the respondents. With consent on either side, this writ petition is taken up for final disposal.

2. The petitioner became a director of the M/s.Pentafour Products Limited on 27.09.2015. The Company was incorporated in the year 1984, suffered financial losses and its net worth came to be eroded and in terms of the sick industrial companies Act, filed a reference before the BIFR. It appears that the proceedings are still pending and petitioner is aggrieved by the impugned notice dated 02.12.2019, making her liable to pay the electricity consumption charges due and payable by the Company. The question is whether the petitioner, a Director of the Company can be proceeded for the dues payable by the Company, especially when the company is not yet wound up and this subject is well settled before law and cannot be fastened on the individual. In fact, the Senior Officials correctly understood the legal position, that is why, they sent communication dated 16.11.2019 stating that the Electricity Service Connection granted by the company has been disconnected on 24.12.1999 and the account was closed on 14.07.2000 with an outstanding balance of Rs.25,57,209/- and recommended to recover with the electricity connection No.225/001/645, of the registered office of the Company at Chitra Towers, 120C, Arcot Road, Kodambakkam, Chennai - 600 024. A request was made to the first respondent to recover the outstanding balance along with the electricity connection No.225/001/645. Another communication to the same effect has been sent by the Chief Engineer, Cuddalore, Electricity Distribution Circle to the Chief Engineer, South Chennai Electricity Distribution Circle to recover the outstanding amount from service connection No.225/001/645 which has its registered office at Chennai. One more communication to the same effect is dated 02.12.2019. Even subsequently, there is another communication sent by the Superintending Engineer to the second respondent on 16.11.2019 directing recovery to be done from the service connection of the company. Though all the higher officials had rightly advised the first respondent, as regards the manner in which the arrears have been recovered, the first in an arbitrary manner has stated to recover the money from the domestic services. The question of the petitioner which is impermissible in law. Therefore, the impugned order cannot be sustained.

3. In the result, the writ petition is allowed and the impugned order is quashed. No costs. Consequently, connected miscellaneous petition is closed. The respondents are directed to recover the money from the service connection of the company as already stated by the Senior Officials of the respondent Board i.e., from Service Connection No.222/001/645.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pns
To

1.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kodambakkam,
Chennai - 600 024.

2.Executive Engineer/EB/KKN,
South-1 Plan,
K.K.Nagar,
Chennai - 600 078.

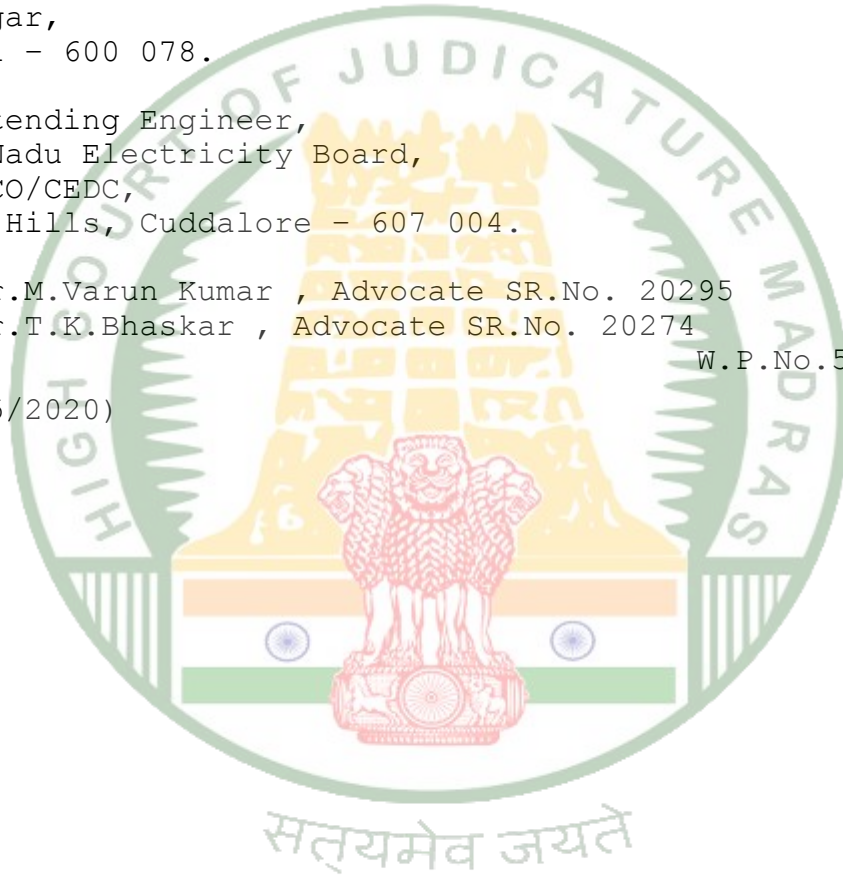
3.Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO/CEDC,
Capper Hills, Cuddalore - 607 004.

+1cc to Mr.M.Varun Kumar , Advocate SR.No. 20295

+1cc to Mr.T.K.Bhaskar , Advocate SR.No. 20274

W.P.No.5792 of 2020

A.SK(28/05/2020)



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