

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.27830 of 2011
& M.P.No.1 of 2011

M/s.Akshaya Private Limited,
Rep. By its authorized signatory,
Mr.J.Ravi, having their
Corporate office at
"G Square" Fourth Floor,
No.46, Rajiv Gandhi Salai,
Kandanchavadi, Chennai-600 096.Petitioner

vs.

1. The Superintending Engineer,
Maraimalai Nagar Division,
Chengalpet Electricity Distribution Circle,
Tamilnadu General and Distribution Corporation Ltd.,
Kanchipuram District.
2. The Divisional Engineer,
Maraimalai Nagar Division,
Chengalpet Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Kanchipuram District.
3. The Assistant Executive Engineer,
Maraimalai Nagar,
Chengalpet Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Kanchipuram District.
4. The Assistant Executive Engineer,
Maraimalai Nagar,
Chengalpet Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Kanchipuram District.Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the third Respondent to restore the Electricity Connection to the petitioner's house bearing Door No.HIG-1290, Tamilnadu Housing Board, Keelakaranai, Thirukatchur Village, Maraimalai Nagar-603 209 in Service Connection No.566-006-71.

For Petitioner : Dr.A.Thiyagarajan, senior counsel for
Mr.S.Ramesh Kumar

For Respondents : Mr.P.Gunaraj

O R D E R

I heard Mr.Thiyagarajan, the learned senior counsel for the Petitioner, and Mr.P.Gunaraj, the learned counsel for the Tamil Nadu Electricity Board (the TNEB).

2. The Petitioner has prayed for a Writ of Mandamus directing the third Respondent to restore the electricity service connection to the Petitioner's house. By way of interim order, the electricity connection was restored subject to payment of 50% of the amount demanded by the TNEB. At the hearing today, the learned senior counsel for the Petitioner contended that the TNEB came to the unilateral conclusion that the Petitioner had used the property for commercial purposes merely because there was a dining table in the premises. He also pointed out that the agreement of lease between the landlord and the Petitioner company was produced and that the said document clearly evidenced that the premises were leased to the Petitioner exclusively for residential purposes. Notwithstanding the said evidence, the TNEB concluded that the Petitioner was using the premises for commercial purposes.

3. The learned standing counsel, Mr.Gunaraj, for the TNEB submits that the Petitioner was using the premises as a mess-cum-guest house and that the same amounts to commercial use.

4. Upon considering the rival submissions and on examining the documents on record, it is clear that the Petitioner has not been provided with a reasonable opportunity to produce the relevant documents and submit an explanation as to the usage of the property. Accordingly, I am of the view that this writ petition may be disposed of by directing the TNEB to issue a notice to the Petitioner in respect of the alleged commercial use of the power connection and proceed to pass a reasoned order after providing a reasonable opportunity.

5. Therefore, the writ petition is disposed of by directing that a notice be issued by the Respondents to the Petitioner in respect of the alleged commercial use of the premises. Upon receipt thereof, the Petitioner shall provide an explanation, along with relevant documents, within three weeks from the date of receipt of such notice. Upon consideration thereof, the TNEB shall pass a reasoned order within a period of two months from

the date of receipt of the explanation from the Petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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To

Sub Assistant Registrar

1. The Superintending Engineer,
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+1cc to Mr.S.Ramesh kumar, Advocate, S.R.No.40906

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