

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14504 of 2020
and
WMP No.17993 of 2020

Selliymammal

... Petitioner

Vs.

- 1 The Chairman
TamilNadu Generation and Distribution
Corporation Ltd.
Anna Salai, Chennai 600 002.
- 2 The Assistant Executive Engineer/ O and M
Meenjur
TamilNadu Generation and Distribution Corporation Ltd.
Chennai Electricity Distribution Circle/ North
Chennai. ... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to restore the electricity service connections Nos. 025-010-1401, 025-010-1054, 025-010-1034, 025-010-1677 and 025-010-1535 to the petitioner's building situated at No.01, Selliymammal Avenue, Aathipattu, Chennai-600 120 forthwith, without insisting the provisional assessment amount.

For Petitioner : Mr.K.Sasindran

For Respondents: Mr.P.R.Dilip Kumar

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to restore the electricity service connection based on the representation made by the petitioner on 29.09.2020.

2. The case of the petitioner is that she is the owner of the subject property, which consists of five portions and each portion has a separate electricity connection. The

further case of the petitioner is that the second respondent made a surprise check and came to a conclusion that there was a theft of electricity in one particular service connection. The provisional assessment order was passed by the second respondent on 28.09.2020 directing to pay a sum of Rs.30,35,720/-. The petitioner already paid compounding charges in order to avoid criminal prosecution, which is reflected through three receipts filed in the typed set of papers dated 28.09.2020.

3. The further case of the petitioner is that the petitioner has already submitted her objections on 29.09.2020 for the provisional assessment order passed by the second respondent. The grievance of the petitioner is that till date no final orders have been passed by the second respondent and the electricity connection has also not been restored and therefore, left with no other alternative, the present Writ Petition has been filed before this Court.

4. Mr.P.R.Dilip Kumar, learned counsel appearing on behalf of the respondents submitted that the second respondent will pass final orders based on the objections submitted by the petitioner within the time fixed by this Court. The learned counsel further submitted that there is no scope for restoring electricity connection in the present case, since it is a case of electricity theft and therefore, unless the petitioner pays the entire amount imposed in the provisional assessment order, the electricity connection cannot be restored by the respondents.

5. In reply to the said submissions, the learned counsel for the petitioner submitted that the petitioner is willing to deposit some amount and the respondent can be directed to restore the electricity connection pending the final orders to be passed by the second respondent. The learned counsel submitted that there is a manufacturing unit, which has now come to a stand still due to the disconnection of the electricity.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The second respondent has already passed a provisional assessment order determining the penalty to the tune of Rs.30,35,720/-. The petitioner has submitted her objections on 29.09.2020. The issue is now pending before the second respondent. The question of restoring the electricity connection will arise only if the petitioner is willing to deposit the amount without prejudice to her rights, or else the petitioner has to necessarily await for the final orders of the second respondent. This Court cannot give any positive direction to the second respondent to restore electricity

connection, since it is a case involving electricity theft.

8. In view of the above discussions, there shall be a direction to the second respondent to pass final orders based on the objections given by the petitioner on 29.09.2020, strictly in accordance with the relevant regulations, within a period of two weeks from the date of receipt of a copy of this order. Insofar as the restoration of electricity connection is concerned, it is upto the second respondent to take a decision.

9. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mra
To

- 1.The Chairman
TamilNadu Generation and Distribution
Corporation Ltd.
Anna Salai, Chennai 600 002.
- 2.The Assistant Executive Engineer/ O and M
Meenjur
TamilNadu Generation and Distribution Corporation Ltd.
Chennai Electricity Distribution Circle/ North
Chennai.

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VSN II (CO)
CB(08/12/2020)

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