



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.06.2020

CORAM :

THE HONOURABLE **MR.JUSTICE C.V.KARTHIKEYAN**

W.P(MD).No.6221 of 2020

and

W.M.P(MD) No.5440 of 2020

A.Karuppiah

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Fort St. George, Chennai-600009.
- 2.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-600002.
- 3.The Superintending Engineer,
Sivagangai Distribution Region,
TANGEDCO,
Sivagangai Collectorate Complex,
Sivagangai-630562.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to pay the electricity amount due for the period February to May 2020 in 6 bi-monthly installments for the service connections of his hotels by names 'Arya Bhavan', Sivagangai; 'Atchaya Bhavan', T.Nagar, Chennai; 'Karuppiah Mess', T.Nagar, Chennai; 'T.Nagar Atchaya Bhavan, Valsaravakkam, Chennai; 'Arya Bhavan', West Mambalam, Chennai; and employee dormitories at west Mambalam and Valsaravakkam, Chennai with service connection numbers 054510121075, 01224011140, 01224011142, 01224011319, 09240016482, 09240016602, 0122302754, 0122302756, 0122302757, 0122302751 and 01224013669 by considering the petitioner's representation dated 13.05.2020.

For Petitioner: Mr.G.Prabhu Rajadurai

For R-1

: Mrs.J.Padmavathi Devi

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader



For R-2 and R-3: Mrs.Rajeswari,
for Mr.S.M.S.Johnny Basha
Standing Counsel

ORDER**WEB COPY**

The writ petition has been filed by Mr.A.Karuppiah, residing at Sivagangai District, in the nature of a mandamus seeking permission to pay the electricity amount due for the period from February to May 2020 in 6 bi-monthly installments.

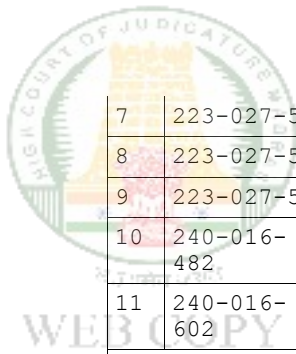
2.The petitioner has several hotel establishments under his control, they are, 'Arya Bhavan', Sivagangai; 'Atchaya Bhavan', T.Nagar, Chennai; 'Karuppiah Mess', T.Nagar, Chennai; 'T.Nagar Atchaya Bhavan, Valsaravakkam, Chennai; 'Arya Bhavan', West Mambalam, Chennai; and employee dormitories at west Mambalam and Valsaravakkam, Chennai with service connection numbers 054510121075, 01224011140, 01224011142, 01224011319, 09240016482, 09240016602, 0122302754, 0122302756, 0122302757, 0122302751 and 01224013669.

3.Even before proceeding further with the writ petition, the statement of the learned standing Counsel for the respondents 2 and 3 that only one establishment is within the jurisdiction of this Court and every other establishment are in Chennai, is also recorded. The learned counsel is perfectly justified in apprehending that the petitioner has chosen a forum to his convenience. If the petitioner had taken a deliberate decision to file this writ petition before this Court, it is condemnable.

4.Be it as it may, on the previous hearing date, a direction was given to the petitioner to give his self assessment of the electricity readings with respect to each establishment. Today, a working sheet has been forwarded by the learned Standing Counsel for the respondents 2 and 3 with respect to each one of the service connections. The working sheet is as follows:-

SL NO	SC NO	LAST ASSESSMENT DATE	LAST ASSESSMENT DETAILS	SELF ASSESSMENT TAKEN BY THE CONSUMER	CONSUMED UNIT	CC CHARGE	FIXED CHARGE	E. TAX	TOTAL BILL AMT	DUE DATE
1	05-451-012-1075	13.03.2020	163580	REGULAR	5810	46770.5	1820	2415.5	51006	06.06.2020
		14.05.2020	166030	REGULAR	2450	19722.5	1820	1035.1	22578	06.06.2020
2	224-011-142	07.04.2020	37220	SELF	3630	29222	700700	1475	31397	06.06.2020
3	224-011-140	07.04.2020	65280	SELF	3410	27450	46246200	1394	33464	06.06.2020
4	224-011-319	07.04.2020	19300	SELF	2770	22299	700	1143	24141	06.06.2020
5	224-013-669	13.03.2020	33350	SELF	2900	23345	840	1209	25394	06.06.2020
		13.05.2020	34020	SELF	670	5394	840	312	6545	06.06.2020
6	223-027-51	28.05.2020	75600	SELF	1730	13926.5	703.0	2240	16870	06.06.2020

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7	223-027-54	28.05.2020	299450	SELF	7640	61260.5	1837.82	3168.9	69207	06.06.2020
8	223-027-56	28.05.2020	182622	SELF	4220	33971	1059.6	3220	39051	06.06.2020
9	223-027-57	28.05.2020	208045	SELF	2860	23023	1158.2	3640	27821	06.06.2020
10	240-016-482	24.04.2020	404880	REGULAR	9960	80178.0	5180	4183.90	89542	06.06.2020
11	240-016-602	24.04.2020	20910	REGULAR	1430	11511.50	980	624.6	13116	06.06.2020

Total = Rs.4,50,132/-

5.As seen the total amount due from the petitioner for the period February to May 2020 is Rs.4,50,132/-. The petitioner in his affidavit had stated that though he had been regularly paying the electricity charges, in view of the corona virus out break and consequential lockdown and closure of all the hotel establishments, it was not possible for him to pay the electricity charges. It had been stated that therefore he had given a representation seeking to pay the amount in six monthly installments. This representation had been given to the Principal Secretary, State of Tamil Nadu, Chennai and to the Chairman cum Managing Director, TANGEDCO, Chennai, on 13.05.2020.

6.The learned Standing Counsel however stated that it is the Superintending Engineer of the respective Districts, who are competent to examine the said representation. It would not be possible for the Chairman cum Managing Director to call for the records from each and every district and then pass orders, particularly, when specifically, the respective Superintending Engineers have been given such responsibility.

7.The petitioner is directed to forward a similar representation to each one of the Superintending Engineers within which his establishments lie at Sivagangai and Chennai. The said Superintending Engineers at Chennai / other District and at Sivagangai may examine the representation given and pass necessary orders, after giving opportunity of hearing to the petitioner. If opportunity of personal hearing is not possible owing to the lockdown, then the petitioner may be given an opportunity to give his written submissions and thereafter, orders may be passed. If the petitioner gives the representation to the appropriate authorities at Chennai or the concerned Districts and at Sivagangai, then the said authority should dispose of the said representation within a period of three weeks from the date of personal hearing/ receipt of written submission.

8.The learned counsel for the petitioner pressed for protection from coercive action pending submission of representation and disposal of the same as indicated above. It is specifically stated that no such relief is granted. The onus is on the petitioner to submit his representation at the earliest to the appropriate authority.



9. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Principal Secretary,
State of Tamil Nadu,
Fort St. George, Chennai-600009.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-13042[F] dated 03/06/2020)

W.P(MD).No.6221 of 2020

02.06.2020

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SDS (03.06.2020) 4P-3C