

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 2/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.17729 of 2020

T.Shabeer Ahmed

...Petitioner

Vs

1. The Director (Distribution)
Tamil Nadu Generation and Distribution
Corporation Limited
Anna Salai, 9th Floor
Chennai.
2. The Supervising Engineer
Vellore Distribution Circle
Gandhi Nagar, Katpadi
Vellore District
3. The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
Kavanur
Vellore District
4. The Junior Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
Kavanur
Vellore District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the fourth respondent to refund the deposit of Rs.93,600/- along with interest paid for the shifting of the HD Electric line and post within a stipulated period.

For petitioner

... Mr.D.Ramesh Kumar

For respondents

... Mr.V.Varun Kumar
Standing Counsel

O R D E R

This writ petition has been filed to direct the fourth respondent, to refund the deposit of Rs.93,600/-, along with interest paid, for the shifting of the HD Electric line and post.

2.The case of the petitioner is that he is running a factory for the production of water tanks, in S.No.545/5 Kavanur Village, Katpadi Taluk, Vellore District. When the petitioner intended to construct a building for the factory, the had noticed that High Density Electric Line and post was passing through their premises. Therefore, they made a request to the fourth respondent to remove the HD line. Vide, letter, dated 14/12/2018, fourth respondent has claimed charge for shifting the HD electric line and post to the tune of RS.93,600/-. The petitioner has also complied with the request and paid the amount on 5/3/2019. Even though the amount has been paid in the year 2019, the fourth respondent has not taken any steps to shift the HD electric line and post. Hence, the petitioner made a representation, on 5/10/2020 for refund of the amount. Since the same was not considered by the fourth respondent, the petitioner had approached this Court by way of a writ petition.

3. Mr. Varun Kumar, learned Standing Counsel, who took notice for the fourth respondent, on 25/1/2021, sought for a short accommodation to file counter. Since this issue is very limited with regard to the refund of shifting charges demanded and collected by the fourth respondent, this Court posted the matter, under the caption, for orders, on 2/2/2021, i.e., today, and directed the learned Standing Counsel to get written instructions for the delay in removing the HD line.

4. Today, when the matter was taken up for hearing, through Video Conferencing, the learned Standing Counsel appearing for the respondents is not equipped with the written instructions and sought some more time. However, he would submit that neighbours on that area have made certain objections for shifting of HD line and therefore, it was not removed immediately.

5. Admittedly, the petitioner has made a proposal for shifting of HD line passing through his line which was also accepted by the fourth respondent Board and the fourth respondent Board has also received Rs.93,000/-, on 5/3/2019, for shifting the HD line. In view of the objections raised by the neighbours, HD line proposed to be shifted was not removed till date. Since the fourth respondent has not executed the shifting for some other reasons, ought to have refund the amount to the petitioner. In this case, the fourth respondent has

neither shifted the line nor refunded the amount. To substantiate his case, the petitioner had enclosed the receipt, dated 5/3/2019, issued by the fourth respondent, for a sum of Rs.93,000/-, for shifting the HD line. Therefore, the fourth respondent is directed to refund the amount which has been collected as the shifting charges for shifting HD line to the petitioner, within a period of six weeks, from the date of receipt of a copy of this order, together with an interest, at the rate of 6% p.a. If the Department is having any grievance with regard to the payment of this interest amount, the same can be collected from the irresponsible Officer, who has collected the amount, and has not acted upon or the past 1 ½ years.

No costs

Sd/-

Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

mvs.

To

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+1cc to Mr.M.Varunkumar, Advocate SR.No.5649

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SMI (CO)
KKV/04/03/2021