



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

W.P.NO.27581 of 2019

and

W.M.P.Nos.27072 & 27073 of 2019

R. Amulraj

.....Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO)
Rep by its Chairman and Managing Director,
Anna Salai, Chennai-600 002.

2. The Assistant Executive Engineer,
O & / Kilpauk, CEDC Kilpauk,
Chennai-600 010.

3. The Assistant Engineer,
O & M, Nammalwarpet,
CEDC.Central, TANGEDCO,
37, Medavakkam Tank Road,
Chennai-600 010.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent impugned order in Ka. No.Vu. Se. Poo. /E &pa/Kilpakum/Koo.Theft/Aa/No.62/2019-20 dated 26.04.2019 and quash the same consequently directing the respondents to not to disconnect the petitioner's Domestic Service Connection No.150-035-600 and 150-035-601 situated at No.32, Narayana Maistry Street, Otteri, Chennai-600012.

For petitioner : Mr. J. Saravan Vel
For Respondents : Mr. L. Jaivenkatesh,
Standing counsel

ORDER

The present petition has been filed seeking quashment of the impugned order dated 26.04.2019 passed by the 2nd respondent herein and a direction to the respondents to not to disconnect the Domestic Service Connection, situated at No.32, Narayana Maistry Street, Otteri, Chennai-600012.

2. The case of the petitioner is that the petitioner being the owner of the subject property, had rented out the



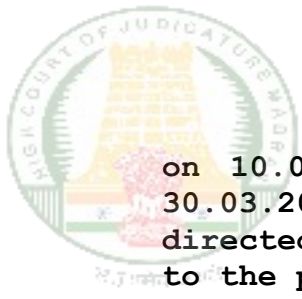
premises, to one Ravi/tenant, who was running his plastic processing unit in the said premises and had obtained a low tension electricity service connection. In the year, 2007 after the tenant had vacated the premises, the petitioner had obtained two domestic service connections for the entire premises and the same was cancelled in the year 2007. Subsequently, the petitioner was served with the impugned order dated 26.04.2019 by the 2nd respondent in which the petitioner/owner was directed to pay a sum of Rs.3,73,968/- within a stipulated period. However, till the issuance of the impugned order, the petitioner was not aware of the proceedings initiated between the tenant and the respondents with regard to the issue, since the petitioner was residing elsewhere. Thereafter, the petitioner came to know that the tenant had already remitted a sum of Rs.3,50,000/- out of the amount demanded by the 2nd respondent vide the impugned order. The domestic electricity service connections obtained by the petitioner were disconnected for non-payment of the alleged dues vide impugned order. Thereafter, the petitioner made a representation dated 14.08.2019 before the 2nd respondent herein to enquire into the matter as the petitioner is not liable to pay the alleged dues. However, till date, the same has not been considered. Hence, the present Writ Petition is filed seeking the aforesaid relief.

3. Though the present petition has been filed seeking quashment of the impugned order which is under challenge before this Court, learned counsel for the petitioner fairly concedes that this Court may permit the petitioner to pay the entire amount without any penal interest and other charges in two equal instalments and direct the respondents to deduct a sum of Rs.1,21,345/- as security deposit from the demanded amount and issue a fresh demand notice within a period of two weeks.

4. On the above contentions heard the learned counsel appearing for the respondents.

5. Upon perusal of the materials available on record and in view of the submission made by the learned counsel appearing for the petitioner that the petitioner is ready to pay the dues without any penal interest and other charges, this Court is of the opinion that the petitioner may be permitted to pay the amount as quantified by the Respondents in two equal instalments.

*** 6. Therefore, this Court directs the respondents to issue a fresh demand notice on or before 16.02.2022 after deducting a sum of Rs.1,21,345/- which has been demanded as security deposit. On receipt of the same, the petitioner is directed to pay the dues as quantified by the respondents in two equal instalments, of which the first instalment shall be paid**



on 10.03.2022 and the subsequent instalment shall be paid on 30.03.2022. On payment of the entire dues, respondents are directed to restore the domestic electricity service connections to the petitioner's premises.

7. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

Dated: 04/02/2022

**** Deleted as substituted as
para '6' vide order dated
10/02/2022 made in WP.27581 of 2019**

Sd/- Assistant Registrar(CS II)

Dated:10/02/2022

//True Copy//

Sub Assistant Registrar

NHS

To

1.Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO)
Rep by its Chairman and
Managing Director,
Anna Salai, Chennai-600 002.

2.The Assistant Executive Engineer,
O & / Kilpauk, CEDC Kilpauk,
Chennai-600 010.

3.The Assistant Engineer,
O & M, Nammalwarpet,
CEDC.Central, TANGEDCO,
37, Medavakkam Tank Road,
Chennai-600 010.

**To be substituted to
this order already
despatched on 07.02.22**

+lcc to Mr.J.Saravanavel, Advocate, S.R.No. 8479

+lcc to Mr.L.Jaivenkatesh, Advocate, S.R.No.68100

W.P.NO.27581 of 2019

BS(CO)

CB(04/02/2022)

GN(10/02/2022)