



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.35044 of 2019

M/s.Vinoth Properties,
rep. by its Managing Partner,
G.Gajendiran
No.40, 11th Street,
Korattur,
Chennai 600 080.

... Petitioner

vs.

The Assistant Engineer,
Tamil Nadu Electricity Board,
No.264, Second Street,
Housing Board Colony,
Korattur, Chennai 600 080.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the impugned Monthly Consumption Charge Collection Details for the assessment dated 30.09.2019 and 26.11.2019 with regard to the Petitioner's Consumer No.09038003712 in respect of the Petitioner's property at No.40, 11th Street, Korattur, Chennai 600 080 issued by the Respondent and quash the said impugned proceedings.

For Petitioner : Mr.R.Thirugnanam

For Respondent : Mr.L.Jai Venkatesh,
Standing Counsel

O R D E R

Petitioner has come up with the present Writ Petition seeking to call for the records of the impugned Monthly Consumption Charge Collection Details for the assessments dated 30.09.2019 and 26.11.2019 with regard to their Consumer No.09038003712 in respect of their property at No.40, 11th Street, Korattur, Chennai 600 080 issued by the Respondent, and quash the same.



2. This Court, on 18.12.2019, passed an order of interim injunction in W.M.P.No.35825 of 2019 restraining the Respondent from disconnecting the electricity service connection in respect of Consumer No.09038003712 with regard to the Petitioner's abovesaid property till further orders in the Writ Petition and on condition that, the Petitioner remits a sum of Rs.7,19,136/- in two instalments (Rs.2,50,000/- by 24.12.2019 and Rs.4,69,136/- by 21.01.2020) in interest fetching Fixed Deposits in the name of the Registrar General of this Court in any Nationalized Bank in Chennai City initially for a period of one year and renewable automatically from time to time.

3. In compliance of the conditions imposed by this Court, the Petitioner has remitted the abovesaid amounts.

4. Today, when the matter was taken up for hearing, learned counsel for the Petitioner submitted that, the Petitioner undertakes to pay the entire demand amount in three instalments without any default and to that effect, the Petitioner has filed an Affidavit dated 20.12.2021 before this Court. Learned counsel for the Petitioner further submitted that, this Court may issue a direction to the Registrar General of this Court to refund the Fixed Deposits in favour of the Petitioner, to enable him to pay the pending instalments.

5. Learned Standing Counsel appearing for the Respondent has no serious objection to the submissions of the learned counsel for the Petitioner.

6. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs the Registrar General of this Court to refund the Fixed Deposits in favour of the Petitioner within a period of two weeks from the date of receipt of a copy of this order, to enable him to pay the pending instalments.

7. The Undertaking Affidavit dated 20.12.2021 filed by the Petitioner is taken on record.

8. In view of the Undertaking Affidavit dated 20.12.2021, this Court directs the Petitioner to deposit the entire demand amount of Rs.7,19,136/- to the Respondent in three instalments, i.e. sum of Rs.2,50,000/- on or before 10.01.2022; a sum of Rs.2,69,136/- on or before 10.02.2022 and a sum of Rs.2,00,000/-



on or before 10.03.2022, without any default. It is made clear that, the Respondent shall not impose BPSC or penal charges on the Petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.35825 of 2019 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Assistant Engineer, Tamil Nadu Electricity Board,
No.264, Second Street, Housing Board Colony,
Korattur, Chennai 600 080.

Copy to:

The Registrar General,
High Court, Madras.

+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.68746

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.68728

W.P.No.35044 of 2019

MG (CO)
SU (22/12/2021)