



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

**THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH**

W.P. (MD) No.7859 of 2021

K.Sakthivel

...Petitioner

Vs.

1.The Secretary,

Tamil Nadu Electricity Regulatory Commission,  
4<sup>th</sup> Floor, SIDCO Co-operative Office,  
Thiru Vi.Ka. Industrial Estate,  
Guindy, Chennai.

2.The Superintending Engineer,

Tamil Nadu Generation and Distribution Corporation Ltd.,  
Trichy Electricity Distribution Circle (Metro),  
Mannarpuram,  
Trichy.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Mandamus, directing the 1<sup>st</sup> respondent to dispose of the Review Application filed by the petitioner dated 28.11.2020, before the 1<sup>st</sup> respondent within a stipulated time as directed by this Court.

For Petitioner : Mr.C.Vakeeswaran

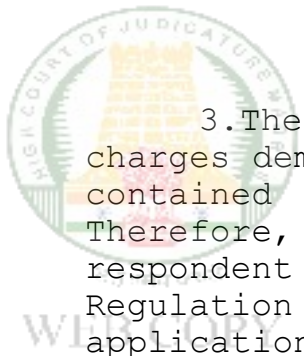
For Respondents : Mrs.M.Rajeswari for

Mr.SMS.Johny Basha, Standing Counsel

### **O R D E R**

This writ petition has been filed for the issuance of Writ of Mandamus directing the first respondent to dispose of the Review Application filed by the petitioner on 28.11.2020, within the time prescribed by this Court.

2.The case of the petitioner is that they had applied for a High Tension Service Connection before the second respondent and paid the necessary Registration fees and the Earnest Money Deposit. The second respondent had sent a demand notice to the petitioner and demanded Meter Caution Deposit of a sum of Rs.80,000/- (Rupees Eighty Thousand only), Development Charges of a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) and Estimate Charges of a sum of Rs.21,43,360/- (Rupees Twenty One Lakhs Forty Three Thousand Three Hundred and Sixty only). On receipt of the said demand notice, the petitioner made a request to the second respondent to grant some time and the time was also extended by informing the petitioner that if the petitioner fails to remit the amount, the application submitted by them will be cancelled.



3.The further case of the petitioner is that the Estimate charges demanded by the second respondent is against the Regulations contained in the Tamil Nadu Electricity Distribution Code, 2004. Therefore, the petitioner made an application before the first respondent on 28.11.2020, seeking for a review in line with Regulation 51 of the Tamil Nadu Electricity Distribution Code. This application was pending before the first respondent and in the meantime, the second respondent is taking steps to recover the amount and on failure to pay the same, to cancel the application. The petitioner, left with no other option, made the entire payment including the Estimate Charges on 06.02.2021, without prejudice to their right to pursue the Review Application before the first respondent.

4.The grievance of the petitioner is that the Review Application is yet to be taken up by the first respondent and left with no other option, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Heard Mr.C.Vakeeswaran, learned counsel for the petitioner and Mrs.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned Standing Counsel for the respondents.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner has made the entire payment without prejudice to their right to pursue the Review Application and also considering the fact that the application has been pending before the first respondent from 28.11.2020 onwards, there shall be a direction to the first respondent to consider the application filed by the petitioner and deal with the same on its own merits and strictly in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to make a fresh representation to the first respondent along with all relevant documents and also along with the copy of this order.

8.This Writ petition is disposed of with the above directions. No costs.

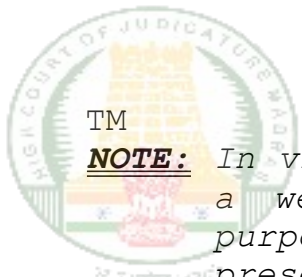
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TM

**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.

WEB COPY

+1 CC to M/s.C.VAKEESWARAN, Advocate ( SR-15975[F] dated 16/04/2021

W.P.(MD) No.7859 of 2021  
16.04.2021

VR (CO)  
KB (24.04.2021) 3P 2C