



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.12142 of 2021

and W.M.P. (MD) .No.9564 of 2021

A.Jayalakshmi

... Petitioner

Vs.

1. The Executive Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO),
Aranthangi,
Pudukkottai District.
2. The Assistant Executive Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO),
Aranthangi,
Pudukkottai District.
3. The Assistant Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO),
Manamelkudi
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of 2nd respondent in Ka.No.U.Se.Po/E.Ka/ Gra/Ara/Ko.Audit/A.No.178/2021, dated 16.04.2021 and quash the same.

For Petitioner : Mr.R.Prasanna

For Respondents : Mr.S.M.S.Johnny Basha

ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2.Heard Mr.R.Prasanna, the learned counsel appearing for the petitioner and Mr.S.M.S.Johnny Basha, the learned Standing Counsel appearing for the respondents.

3.The petitioner had approached this Court earlier and filed a writ petition in W.P.(MD).No.415 of 2020. This writ petition was disposed of by this Court, on 09.01.2020 and the relevant portions in the order are extracted hereunder:



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3. This writ petition has been filed seeking a direction to the respondents to restore the electricity to the petitioner's electricity service connection No.06-137-015-1544-TF III B situated at Mudukkuvayal, Kattumavadi, Manamelkudi Taluk, Pudukkottai District, till deciding the appeal pending before the second respondent.

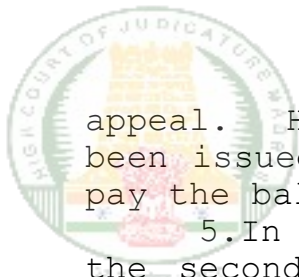
4. The third respondent vide his communication in Ko.CC Arrear /Aa No.172/19-20, dated 09.11.2019, informed the petitioner that as per the audit conducted on 26.06.2019, there was short levy of Rs.6,87,826/- and demanded payment of the same to avoid disconnection. The reason for such levy is that the meter was defective from April 2018 to December 2018 and the new meter was fixed only on 10.01.2019. Against the said levy, an appeal is said to have been preferred before the second respondent. While so, the power supply was disconnected to the petitioner's Prawn Farm, on 23.12.2019. It is stated by the petitioner that this is the time for harvest and without the power supply, the petitioner is put to serious prejudice and untold hardship.

1. The learned standing counsel, who takes notice on behalf of the respondents has stated that they are ready to restore the service connection on payment of at least a portion of the sum levied.

2.

6. In view of the above, as already an appeal is pending before the second respondent, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the second respondent at the earliest, without prejudice to his right in the appeal. On payment of which, the electricity supply should be restored to the petitioner's service connection No.06-137-015-1544-TF III B situated at Mudukkuvayal, Kattumavadi, Manamelkudi Taluk, Pudukkottai District. The second respondent is also directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order."

4. The grievance of the petitioner is that this Court had specifically directed the second respondent to pass orders on the
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appeal. However, without doing the same, the impugned letter has been issued by the second respondent calling upon the petitioner to pay the balance amount even without passing the order in appeal.

5. In the considered view of this Court, the impugned letter of the second respondent, dated 16.04.2021, is liable to set aside, since it is not in compliance with the earlier order passed by this Court in W.P.(MD).No.415 of 2020.

6. The second respondent ought to have passed the order in the appeal and thereafter, if there is any amount payable by the petitioner, ought to have demanded the payment of such amount. Without doing so, the second respondent had directly proceeded to demand the balance amount. In view of the above discussion, the impugned letter issued by the second respondent, dated 16.04.2021, is hereby set aside and there shall be a direction to the second respondent to comply with the earlier order passed by this Court in W.P.(MD).No.415 of 2020, within a period of two weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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.

To

1. The Executive Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO), Aranthangi, Pudukkottai District.
2. The Assistant Executive Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO), Aranthangi, Pudukkottai District.
3. The Assistant Engineer (Operation & Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
(TANGEDCO), Manamelkudi, Pudukkottai District

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RC (27.07.2021) 3P-4C

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