



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21891 of 2016  
and W.M.P.No. 18732 of 2016

Mrs.InduSethia

... Petitioner

Vs

1. The Tamil Nadu Electricity Board,  
Rep. by its Chairman and Managing Director,  
Anna Salai, Chennai-600 002.
2. The Assistant Executive Engineer (O&M),  
Tamil Nadu Electricity Board,  
Poonamallee,  
Chennai-600 056.
3. M/s.Fine Furniture Pvt Ltd,  
Represented by its Managing Director,  
Pradeep Chirakkal,  
No.184/3C, Mettupalayam,  
Parivakkam Road,  
Chennai-600 077.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, To call for the records relating to the impugned order dated 01.06.2016 passed by the 2nd respondent in Ka.No.Uu.Se.P/ E&Pa/Poovai/Ko.Thani/No./2016 quash the same.

For Petitioner : Mr.Kausik Raghu Raja  
for M/s.R.Murali

For Respondents: Mr.L.Jai Venkatesh  
for TANGEDCO [For R1 to R2]  
No Appearance [For R3]

O R D E R

The order dated 01.06.2016, asking the petitioner to deposit the consumption charges and further submit documents for the purpose of effecting name transfer is under challenge in the present writ petition.



2. The petitioner states that she is the owner of a warehouse measuring to an extent of 43.5 cents comprised in Survey No.165, situated at Varadarajapuram Village, then Sriperumbudur Taluk, now Poonamallee Taluk, then Chengalpet District, now Thiruvallur District. The petitioner raises certain grievances with reference to the subject property leased out.

3. However, the Electricity Board Authorities pursuant to the orders passed by this Court in W.P.No.16493 of 2016 dated 29.04.2016, invited the petitioner for personal hearing. The respondent authorities conducted an enquiry in detail. However, the petitioner has not participated in the personal hearings. Without even availing the opportunities provided by the authorities, the petitioner was insisting that the demand notice has to be issued to the 3rd respondent, who was the tenant.

4. The Electricity Board Authorities thus passed the impugned order stating that the arrear charges of Rs. 8,14,461/- has to be paid and thereafter the petitioner may submit all required documents for the purpose of transfer of name in the electricity service connection.

5. Regarding the consumption charges, if at all the tenant failed to pay, the Board Authorities are empowered to recover the same from the owner of the property. In turn, the owner of the property is entitled to recover the same from the tenant by initiating appropriate legal proceedings. Contrarily, the owner of the property cannot insist the Electricity Board Authorities to issue notice to the tenant, who vacated the premises for effecting name transfer. The petitioner after clearing the dues has to submit necessary application along with the documents and in the event of submitting any such application, the same is to be considered on merits and in accordance with law.

6. This being the procedure to be followed, the information provided in the impugned order is in consonance with the regulations and the rules in force. Thus, the petitioner has to pay the arrears of electricity consumption charges and thereafter submit an application for effecting name transfer or otherwise along with necessary documents.

7. In view of the facts and circumstances, the relief as it sought for in the present writ petition is devoid of merits and consequently the writ petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



shr/ska

To

1. The Chairman and Managing Director,  
Tamil Nadu Electricity Board,  
Anna Salai, Chennai-600 002.
2. The Assistant Executive Engineer (O&M),  
Tamil Nadu Electricity Board,  
Poonamallee,  
Chennai-600 056.

+1 cc to M/s.R.Murali ., Advocate Sr.NO. 3575

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MT(CO)  
A.SK(10.02.2022)