



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.8280 OF 2022

AND

WMP.NO.8263 OF 2022

VGN Stafford Flat Owners Welfare Association,
Represented by its President,
B.A.Mani Mozhi Arasu,
Having its registered office at
VGN Stafford,
Sudharasana Street, Thirumalaivasan Nagar,
Thirumullaivoyal, Chennai-600 062.

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai, Chennai-600 002.
2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Avadi South, Thirumullaivoyal,
Chennai-600 062.
3. VGN Projects Estates Pvt. Ltd.,
(Formerly known as VGN Property Developers Private Limited),
Represented by its authorized Signatory,
No.153, Wallace Garden 2nd Street,
Nungambakkam, Chennai-600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining 1st and 2nd Respondents herein, their men or agents from disconnecting the common electricity connections inside the premises "VGN Stafford" located at Sudharasana Street, Thirumalaivasan Nagar, Thirumullaivoyal, Chennai-600 062, in an arbitrary manner except under the provisions of law, after giving due opportunity to the Petitioner.



WEB COPY

For Petitioner : Mr.Pradeep Jayaraman
For Respondents : Ms.Keerthana Shenoi (for R1 & R2)
for Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

Ms.Keerthana Shenoi, learned counsel for Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and has sufficient instructions for final disposal of this matter even at this juncture. Hence by consent of both the learned counsel for the petitioner as well as the learned Standing Counsel, the main writ petition is taken up for final disposal even at the stage of admission.

2.The petitioner is a Flat Owners Welfare Association and seeks a mandamus restraining the Tamil Nadu Electricity Board and its officials, arrayed as R1 and R2, from disconnecting the common electricity connection inside the premises of VGN Stafford located at Sudharasana Street, Thirumalaivasan Nagar, Thirumullaivoyal, Chennai-600 062.

3.Ms.Shenoi, learned counsel who accepts notice for the official respondents would straightaway assure the Court that there is no move to disconnect the connections.

4. In the course of the hearing, it transpires and falls from the petitioner that there are certain demands as against the petitioner that have been noted from the website of the official respondents. The petitioner disputes such charges. However, in such a case, it is for the petitioner to take appropriate action against the same and in light of the demand that subsists as against the petitioner admittedly, mandamus as sought for, is not liable to be issued.

5. One of the issues touched upon in the course of the hearing relates to whether the service connection obtained should be under 'domestic' or 'commercial tariff'. The petitioner would refer to an order passed by the Tamil Nadu Regulatory Commission dated 11.08.2017 and an order passed by this Court in WP.No.15041 of 2019 and batch dated 15.09.2021 in its support of the position that the connection is to be assured in domestic tariff only. As against the latter, the official respondents state that they have filed W.A.No.402 of 2022, pending before the Bench.



6. In the circumstances as noticed above, it is an over simplification on the part of the petitioner to have sought the issuance of a mandamus and it is for the petitioner to seek redressal in respect of the issues that arise in its assessments before an appropriate fora, in accordance with law.

7. With this, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs/ska

To

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai, Chennai-600 002.
2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Avadi South, Thirumullaivoyal,
Chennai-600 062.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.23068

W.P.No.8280 of 2022 and
WMP.No.8263 of 2022

KK(CO)
PM/13/04/2022