



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. No.25383 of 2014 & M.P.No.2 of 2014

S.Meeran

... Petitioner

Vs.

The Assistant Executive Engineer, [Operation & Maintenance],
Tamil Nadu generation and Distribution Corporation Ltd.,
Central Electricity Distribution Circle, Pammal,
Chennai South.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the respondent relating to the demand dated 13.08.2014 to pay the extra levy of Rs.29,465/- as referred in observation mahazar and the working sheet and quash the same and direct the respondent to refund the compounding charges of Rs.4,000/- which was collected by force and illegally by the respondent.

For Petitioner: Mr.D.Nellaiappan

For Respondent: Mr.L.Jai Venkatesh,
Standing Counsel for the respondent

O R D E R

This writ petition has been filed challenging the Order of the respondent dated 13.8.2014 and consequently restore the connection which was disconnected on 29.11.2013.

2. It is the submission of the learned counsel appearing for the petitioner that there was no disconnection at all and hence there is no question of illegal restoration of the service connection. The learned counsel relied on the Consumer Consumption charges enclosed in page No.2 of the typed set. It is also stated that before making the demand, no opportunity was given to the petitioner and hence, it is against the principles of natural justice.



3. Per contra, the learned counsel appearing for the respondent would state that the officials of the Electricity Department conducted inspection 13.08.2014 in the premises of the petitioner and at that time it is noticed that the electricity connection has been illegally restored.

4. Heard Mr.Nellaiappan, learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent and perused the materials available on record.

5. In the instant case, according to the respondent, the service connection effected in the premises of the petitioner was disconnected on 29.11.2013 and when an inspection was conducted on 13.08.2014, it is found that the electricity connection has been illegally restored. Whereas, the petitioner has clearly stated that there is no disconnection as alleged by the respondent on 29.11.2013 and the petitioner has been paying electricity charges till the impugned Order has been passed. It is further stated that if an opportunity is given the petitioner, he will demonstrate the same before the respondent.

6. In the light of the facts and circumstances of the case, the Order impugned in this writ petition is set aside and the matter is remitted back to the respondent and he shall pass Orders afresh after providing an opportunity to the petitioner. If any amount is paid pursuant to the Order passed by the respondent, the same can be adjusted by the respondent for the future consumption charges.

7. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



vrc
To

The Assistant Executive Engineer, [Operation & Maintenance],
Tamil Nadu generation and Distribution Corporation Ltd.,
Central Electricity Distribution Circle, Pammal,
Chennai South.

+lcc to Mr.D.Nallaiappan, Advocate Sr.19642
+lcc to Mr.L.Jaivenkatesh, Advocate Sr.19544

W.P. No.25383 of 2014

rk[co]
srg 11/04/2022