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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.27317 and 27325 of 2019

K.Subbaiya Gounder (Died)
Somasundaram

...Petitioner in both W.Ps.

(Petitioner substituted vide order dated 04.02.2022 made in W.M.P.No.1921 of 2022 in W.P.No.27317 of 2019 and in W.M.P.No.1922 of 2022 in W.P.No.27325 of 2019)

vs.

1. The Chairman,
TANGEDCO,
Anna Salai, Chennai.

2. The Superintending Engineer,
TANGEDCO, Udumalpet.

3. The Assistant Executive Engineer (O & M),
TANGEDCO,
Angalakurichi,
Coimbatore District.

... Respondents in both W.Ps.

Writ Petition No.27317 of 2019 filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in proceedings nil dated 26.07.2019 passed under Section 152 of the Indian Electricity Act, 2003 and the consequential impugned final assessment order in Lr.No.AEE/O&MAky/F.Theft/D.No.194/2019, dated 14.08.2019 passed by the 3rd Respondent, quash the same and consequently direct the Respondents to restore the electricity service in Service Connection No.329-002-673 in S.F.No.1102/1 in Sethumadai Village, Pollachi Taluk, Coimbatore District.

Writ Petition No.27325 of 2019 filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in proceedings nil dated 26.07.2019 passed under Section 152 of the Indian Electricity Act, 2003 and the consequential



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impugned final assessment order in Lr.No.AEE/O&MAky/F.Theft/D.No.195/2019, dated 14.08.2019 passed by the 3rd Respondent, quash the same and consequently direct the Respondents to restore the electricity service in Service Connection No.329-002-1577 in S.F.No.1103/A1 in Sethumadai Village, Pollachi Taluk, Coimbatore District.

For Petitioner in both W.Ps. : Mr.M.N.Balakrishnan

For Respondents in both W.Ps : Mr.Abul Kalam,
Standing Counsel

COMMON ORDER

Above Writ Petitions have been filed challenging the impugned orders dated 26.07.2019 passed under Section 152 of the Indian Electricity Act, 2003 and the consequential impugned final assessment orders dated 14.08.2019 passed by the 3rd Respondent and for a consequential direction to the Respondents to restore electricity service in Service Connection No.329-002-673 in S.F.No.1102/1 and Service Connection No.329-002-1577 in S.F.No.1103/A1, respectively, in Sethumadai Village, Pollachi Taluk, Coimbatore District.

2. As the issue involved in both Writ Petitions is one and the same, cases are taken up for disposal by a common order.

3. It is stated by the original Petitioner viz. K.Subbaiya Gounder that, agricultural lands in S.F.Nos.1102/1, 1103/A1A, 1103/A1C1A, 1108/2A, 1108/2C1 in Sethumadai Village, Pollachi Taluk, Coimbatore District belong to him and that his son viz. Somasundaram is running a small resort in the name and style of "Western Ghats Villa" in S.F.No.1103/A1A in his agricultural lands. It is further stated that, on 26.07.2019, the 3rd Respondent and his subordinates visited his properties under the guise of inspection and to his shock, the 3rd Respondent disconnected his agricultural service connection No.329-002-673 in S.F.No.1102/1 stating that, he has directly tapped the agricultural connection and used the same for commercial purpose and also disconnected commercial service connection No.329-002-1577 in S.F.No.1103/A1A, stating that, he has bypassed the meter. It is the case of the original Petitioner that, he paid the compounding charges of Rs.36,000/- for agricultural service connection and Rs.32,000/- for commercial service connection, only on threat by the 3rd Respondent that, a police complaint will be filed against them. Though the original Petitioner sent his objections to the 3rd Respondent on 07.08.2019 disputing the allegations levelled against him, impugned assessment orders were passed by the 3rd Respondent and challenging the same, present Writ Petitions are filed.



4. Learned counsel for the Petitioner submitted that, penal charges have been paid by the Petitioner to the Respondents.

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5. Heard the learned counsel on either side and perused the material documents available on record.

6. It is represented that, the Petitioner has paid the penal charges and has also agreed to pay the entire amount as per the impugned assessment orders, for the subsequent period. It is further represented that, the Petitioner has paid a sum of Rs.3,74,000/- out of the total demand of Rs.7,19,196/- (Rs.4,94,514.00 + Rs.2,24,682.00) during the pendency of the Writ Petitions and that, the Petitioner agrees to pay the remaining amount in four instalments, without BPSC and penal interest.

7. Recording the submissions of the learned counsel for the Petitioner, this Court directs the Petitioner to pay the remaining amount as per the impugned assessment orders, in four instalments, the first three instalments shall be paid in equal proportion on or before 5th of every month, the first of which shall commence on 05.03.2022, and the balance amount of Rs.45,000/- (approximately) shall be paid as the 4th instalment. It is made clear that, the Petitioner need not pay BPSC or penal interest.

Writ Petitions are disposed of on the above terms. No costs. Consequently, connected W.M.P.Nos.26741, 26744, 26745 of 2019 and W.M.P.Nos.26753, 26756, 26757 of 2019 are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman,
TANGEDCO,
Anna Salai, Chennai.
2. The Superintending Engineer,
TANGEDCO, Udumalpet.



3. The Assistant Executive Engineer (O & M),
TANGEDCO,
Angalakurichi,
Coimbatore District.

+1cc to Mr.M.Abulkalam, Advocate, S.R.No.7517

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.7210

W.P.Nos.27317 & 27325 of 2019

PA(CO)
SB(01/03/2022)