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W.P.No.29442 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.29442 of 2017
and W.M.P.No.31698 of 2017

Ramesh B. Khanter

... Petitioner

Vs.

1.The Tamilnadu Generation and
Distribution Corporation Ltd.,
by its Chairman and Managing Director
Head Quarters Complex
144, Anna Salai, Chennai 600 002

2.The Assistant Engineer (O & M)
TANGEDCO, Vyasarpadi
Chennai 600 039

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in his Letter dated 28.08.2014 in K.No.A.E/Vyasarpadi/O&M)/New Survey No.198/2014, to quash the same and consequently direct the respondent to grant Industrial Service connection for 10 HP to 800 watts for the



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petitioner's industrial shed bearing Plot No.31/B, now No.31/3 and bearing plot No.31/A, Door No.31/2, Vyasarpadi Co-operative Industrial Estate Ltd., Erukanchery High Road, Chennai 600039.

For Petitioner : Mr.G.Vasudevan

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

The Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in his Letter dated 28.08.2014 in K.No.A.E/Vyasarpadi/O & M)/New Survey No.198/2014, to quash the same and consequently direct the respondent to grant Industrial Service connection for 10 HP to 800 watts for the petitioner's industrial shed bearing Plot No.31/B, now No.31/3 and bearing plot No.31/A, Door No.31/2, Vyasarpadi Co-operative Industrial Estate Ltd., Erukanchery High Road, Chennai 600039.

2.It is the contention of the learned counsel for the petitioner that the petitioner is the owner of an industrial plot together with



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superstructure measuring 2096 sq. ft. bearing Plot pursuant to the Sale Deed dated 02.09.2002 registered in his favour vide document No.3551 of 2002 on the file of the SRO, Purasaiwalkam. When the petitioner applied for industrial service connection with the respondent Board seeking 10 H.P. Electricity Service Connection to carry on steel fabrication in the above said premises on 21.08.2014, to his surprise and shock, the impugned letter dated 28.08.2014 was received by him rejecting his claim on the ground that the erstwhile owner had committed a theft of energy and a criminal case is pending. Therefore, the request for grant of service connection is not feasible of compliance to the petitioner. Hence, the impugned order sought to be quashed on the ground that he is no way connected with the said energy theft and therefore, the penalty amount cannot be levied on the subsequent purchaser who is no way connected with the alleged theft.

3.Learned counsel for the petitioner would submit that he is ready and willing to pay the principal amount as stated by the respondent



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Board, but the only issue is with regard to the compounding interest.

Therefore, seeks to quash the order.

4.Learned standing counsel appearing for the respondent Board would submit that the matter may be remanded to the 2nd respondent with regard to the compounding interest fees. However, service connection could not be granted since the criminal case is pending as against the erstwhile owner.

5.Heard the learned standing counsel for the petitioner and the learned standing counsel appearing for the respondent Board. Perused the papers on record.

6.It is relevant to note that the subsequent purchaser is no way connected with the alleged theft of energy committed by the erstwhile owner. Such being the case, any theft in the previous connection, penalty has to be imposed only on the erstwhile owner and the same cannot be loaded as dues on the consumer as consumption charges. The respondent



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Board is at the most only entitled to recover the amount imposed as penalty as per TN Electricity Board (Recovery of Dues) Act, 1978 and the same does not arise in this case.

7. Such view of the matter, this Court is of the opinion that, when the petitioner himself is ready and willing to pay the principal amount voluntarily, the respondent Board on receipt of the same, is directed to issue a service connection to the petitioner. The petitioner is hereby directed to deposit the principal amount before the 2nd respondent Board within a period of one (1) month from the date of receipt of a copy of this order. On receipt of such principal amount by the 2nd respondent, the service connection to his industrial plot shall be effected within a period of one (1) month thereafter.

8. With the above direction, this writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

03.11.2022

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N.SATHISH KUMAR, J.

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To

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2.The Assistant Engineer (O & M)
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