



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14727 of 2021 and
W.M.P.(MD)Nos.11655, 11657 & 11659 of 2021

M/s.Uniecon,
Rep. By Partner Uthiresan,
Plot No.18, Gokul Nagar,
Bamanagar, P & T Nagar Extn.,
Anaiyur Post, Madurai.

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO (Distribution),
K.Pudur,
Madurai.
2. The Executive Engineer,
East Division,
TANGEDCO, Natham Road,
Madurai District.
3. The Assistant Divisional Engineer,
TANGEDCO,
Melur South,
Madurai District.
4. The Assistant Engineer,
TANGEDCO,
Melur South,
Madurai District.



5. The Principal (CIPET),
(Central Institute of Petrochemicals
Engineering and Technology Polytechnic,
at Thiruvathavur, Madurai campus)
Thiruvathavur,
Madurai District.
(R-5 is impleaded vide Order dated 23.12.2021
in W.M.P.(MD)No.14332 of 2021)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the order passed by the fourth respondent in his proceedings க.எண்.உ_மிபொ/ப/தெ/மேலூர்/கோ: jysy/ அ.எண்:023/21 dated 06.03.2021 and quash the same and direct the respondents to reassess the reading recorded.

For Petitioner : Mr.A.Shajahan

For R-1 to R-4 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-5 : Mr.A.Srinivasan

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for TANGEDCO and the learned counsel appearing for the fifth respondent.



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2. The petitioner is a contractor. He was given a work order by CPWD for constructing boys and girls hostel in CIPET. The petitioner obtained temporary electricity service connection Nos.274 and 275 for putting up the said construction. According to the petitioner, after the construction of the boys hostel was over, the fifth respondent, namely, the principal CIPET duly informed the concerned Divisional Engineer about the completion of work and requested him to effect disconnection. The construction of the boys hostel was over by the end of August 2019. Likewise, construction of the girls hostel was completed by the end of March 2020. It is also seen that the electricity supply was disconnected for both the service connections. The grievance of the petitioner is that he is obliged to pay consumption charges for the temporary electricity service connection No. 274 up to the end of August 2019 and for the other temporary service connection No.275 up to 01.04.2020. Demanding payment beyond these dates is clearly illegal.



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3. The Principal CIPET / fifth respondent supports the stand taken by the petitioner. However, the TANGEDCO had filed counter affidavit contending that as per the agreement, the respondent is having power to collect monthly minimum charges till the agreement is terminated. Even if the electricity service connections are disconnected, monthly minimum charges will have to be paid.

4. I am unable to appreciate the stand taken by the TANGEDCO. Admittedly, two temporary electricity service connections were taken only for putting up construction. Once the construction work is completed, the purpose stands served. The Principal had informed the Divisional Engineer about the completion of the construction works and he had requested the concerned TANGEDCO officials to disconnect the temporary connection. In fact TANGEDCO had also admittedly effected disconnection of supply of electricity. Therefore, this should be taken as termination of agreement. Merely because there was no formal termination, that will not enable TANGEDCO from collecting minimum monthly



charges. Recording the undertaking given by the petitioner that he will pay for service connection No.274 up to August 2019 and for service connection No.275 up to 01.04.2020, the impugned demand is quashed. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2022

Index : Yes / No

Internet : Yes/ No

PMU

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