



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7207 of 2023
and W.M.P.Nos.7262 & 7263 of 2023

P.Kamala

.. Petitioner

Vs.

1. TANGEDCO limited
Rep by its Chairman cum MD
6th Floor TANTRANSCO Building
No.144 Anna Salai,
Chennai-600 002.
2. Chief Financial Controller,
Revenue-TANGEDCO
Eastern Wing, NPKRR Maaligai
No.144, Anna Salai, Chennai-600002.
3. The Superintending Engineer,
Office of the Executive Engineer-O &M
Marai Malai Nagar TANGEDCO
KV SS Complex, GST Road,
Near For Company, Chennai-pin-603209

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ, calling for the records/reports on EB supply/consumption and tariff pertaining to EB Connection 09-570-009-2215 and the order passed by the 4th Respondent in his Proceedings in Ka.N/tha.po/.E&pa/ma.ma.na.-tho.nu.uo/ko.complaint/No.1009/2022 dated 29.11.2022 in consequential information/order collected from the 3rd respondent and quash the same, and direct the Respondents to restore the connectivity in 09-570-009-2215 after rectification if any.

For Petitioner : Mr.M.Karthick
for M/s.G.Vijayanand Associates

For Respondents : Mr.K.M.D.Muhilan,
Additional Government Pleader

ORDER

This Writ Petition has been filed assailing the impugned proceedings dated 29.11.2022 of the 4th respondent and for a direction to the respondents to restore the electricity service connection/Consumer No. 09-570-009-2215.



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2. It is the case of the petitioner that she has obtained electricity service connections for his residential premises at Mariamman Koil Street @ Peryyapalayathamman Koil Street, Athanancheri colony. While so, the respondent officials having conducted an inspection in the aforesaid premises, alleging the unauthorized usage of electricity in the aforesaid premises in respect of the service connection bearing consumer No.09-570-009-22, have disconnected the service connection, and collected a sum of Rs.22,932/- towards the compound fee from the petitioner. Thereafter, the respondent officials demanded a sum of Rs.3,72,328/- to be paid by the petitioner towards the extra levy. Hence, the petitioner made a representation dated 22.11.2022 to the 4th respondent seeking cancellation of the said demand, however, her request was rejected vide the present impugned order dated 29.11.2022. Challenging the said rejection order, the petitioner is before this Court.



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3. Learned counsel for the petitioner submits that the act of the respondent officials in collecting the compound fee as well as in demanding the extra levy towards the alleged theft of electricity is totally arbitrary and illegal. Though the petitioner made a representation dated 22.11.2022 seeking cancellation of the demand made by the respondents, however, the said representation was rejected by the 4th respondent alleging theft of electricity.

4. Learned counsel appearing for respondents 1 & 2 submits that if the petitioner is aggrieved by the demand amount which has been made towards the unauthorized usage of electricity in the petitioner's premises, the appropriate remedy for the petitioner would be to challenge the demand amount. Without challenging the demand amount, challenging the rejection order is not sustainable.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.



6. As rightly pointed out by the learned counsel appearing for the respondents 1 & 2, the proper course open for the petitioner is to challenge the demand made by the respondent officials, however, without challenging the demand amount, rushing to this Court and filing the present Writ Petition against the order of rejection is wholly unsustainable. Hence, the prayer sought for in this Writ Petition cannot be granted.

7. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

13.03.2023

Index : Yes / No
Internet : Yes / No

NHS



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M.DHANDAPANI, J.

NHS

To

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