



WEB COPY



W.P.No.42 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.42 of 2018
and W.M.P.No.45 of 2018

P.Benazir

. . . Petitioner

vs.

1. The Assistant Executive Engineer,
Operation & Maintenance,
Chennai Electricity Distribution Circle (North),
TANGEDCO,
Villivakkam,
Chennai.

2. The Executive Engineer,
Operation & Maintenance - Perambur
Chennai Electricity Distribution Circle (North),
TANGEDCO,
No.147, 3rd Main Road,
Baba Nagar, Villivakkam,
Chennai-600049.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus or any other order or direction or
writ in the nature of a Writ of Certiorarified Mandamus, calling for the



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records comprised in Letter No.AEE/O&M/VKM/F.No.APTS/D.No.978/2017 dated 8.12.2017 which was received by the petitioner on 19.12.2017 on the file of the first respondent, quash the same and consequently direct the respondents to shift the electricity connection to the petitioner's portion in the premises bearing Door No.80/11, Trust Square, Ayanavaram, Chennai-600 023 bearing Electricity S.C.No.064:006:169, Tariff V, forthwith.

For Petitioner : M/s. G.RM.Palaniappan
For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel (TNEB)

ORDER

This Writ Petition has been filed for quashing the impugned order dated 8.12.2017 which was issued by the 1st respondent and for a direction to the respondents to shift the electricity connection to the petitioner's portion in the subject premises.

2. It is the case of the petitioner that she is running a beauty parlor in the name and style M/s.Blossom Bridal Salon and Training Center” in one



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half of the entire premises in Door No.80/10, Trust Square, Ayanavaram, Chennai 600 023 in which electricity service connection with SC.No.064:006:169 with Tariff V has been provided. While being so, on 12.10.2017, the 1st respondent inspected the above said premises and found that theft of electric power has been committed therein and accordingly the electricity service connection was disconnected. Subsequently, on 12.10.2017, the provisional assessment order came to be issued by the 1st respondent directing the petitioner to pay of sum of Rs.2,45,327/- towards the extra levy, in response to which, the petitioner sent a detailed reply vide letter dated 14.10.2017. Subsequently, the petitioner filed a Writ Petition in W.P.No.28567 of 2017 before this Court seeking restoration of electricity service connection, wherein, the petitioner was directed to pay 50% of the demanded amount. On payment of the said amount, electricity connection has to be restored and final orders would be passed by the respondents. In compliance of the said order, the present impugned order came to be passed by the 1st respondent on 08.12.2017 directing the petitioner to pay the balance amount of Rs.1,25,327 towards the extra levy. Challenging the same, this Writ Petition has been filed.



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WEB COPY 3. This Court heard the learned counsel appearing on either side and perused the materials available on record.

4. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, as against the impugned order passed by the 1st respondent herein there is an effective appellate remedy available before the Appellate Authority, however, without availing such remedy, the present has been filed. Hence, this Court without expressing any opinion on the merits of the case, is inclined to grant liberty to the petitioner to avail such remedy before the Appellate Authority by filing appropriate application within a period of four weeks from the date of receipt of a copy of this order. If any such application is filed, the respondents are directed to pass appropriate orders on the same, after affording an opportunity of personal hearing to the petitioner as well as to the aggrieved parties if any, within a period of four weeks from the date of the said application.



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5. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

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NHS

Index : Yes / No

Internet : Yes / No

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M.DHANDAPANI, J.

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