



WEB COPY



W.P.No.1353 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.1353 of 2021

Darbaris Elder's Home,
Run by Kanapathy Charity Trust,
Rep by its Chairman, M.K.Natarajan

...Petitioner

-Vs-

1.The Assistant Executive Engineer (O&M),
Tamilnadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Coimbatore Electricity Distribution Circle, (Metro),
Peelamedu, Coimbatore – 641 006.

2.The Superintending Engineer, TANGEDCO,
Coimbatore Metro Electricity Distribution Circle,
Coimbatore.

...Respondents

(The second respondent is *suo motu* impleaded
by this Court Vide order dated 25.07.2023)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in his order No.Nil dated 06/03/2020 inrespect of Service Connections Nos.026 005 1259 to 026 005 1281 and to quash the same and consequently directing the respondent to return the amount collected from the petitioner on 6.3.2020.



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For Petitioner : Mr.N.Umapathi
For Respondent : Mr.L.Jaivenkatesh,
Standing Counsel for TNEB

ORDER

The petitioner is a Trust which runs Home for the senior citizens in Coimbatore. It was provided with an electricity connection under tariff 1(A) sometime in 2003. While so, the petitioner received a notice dated 06.03.2020 that the respondent would be inspecting the premises of the senior citizen Home on the very day. Indeed, a inspection did take place on that date and subsequently, the respondent has passed the proceedings dated 06.03.2020 wherein he has indicated that the petitioner has misused the electricity connection provided under Tariff 1 (A) and slapped a penalty of Rs.4,63,989/-. The petitioner has paid the penalty and is now before this Court with this petition challenging the same.

2.The learned counsel for the petitioner submitted that the petitioner was not even heard in the matter and both the date of investigation and the date of proceedings are made on the same day.



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3.In response, Mr.L.Jaivenkatesh, learned Standing Counsel for the Tamil Nadu Electricity Board submitted that the petitioner has a right of appeal to make before the Superintending Engineer within seven days from the date on which the provisional assessment was made by the first respondent and that the petitioner has arrived to this Court one stage too early. The grievance of the petitioner is that he was not heard in the matter and now he will have an opportunity of being heard, if only he approaches the Superintending Engineer with his appeal.

4.This Court *suo motu* impleads the Superintending Engineer, TANGEDCO, Coimbatore Metro Electricity Distribution Circle, Coimbatore as the second respondent.

5.The Registry is required to make necessary modifications in the cause-title.



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6.Mr.L.Jaivenkatesh, learned Standing Counsel for Tamil Nadu Electricity Board takes notice for the newly impleaded second respondent.

7.The petitioner is now required to prefer his appeal/objection to the Superintending Engineer/second respondent against the impugned proceedings of the first respondent within a period of 15 days from the date of receipt of a copy of this order.

8.The second respondent is now directed to entertain the said appeal and give an audience to the petitioner and decide the matter within a period of eight (8) weeks thereafter.

9.The Writ Petition is disposed of accordingly. No costs.

25.07.2023

Index : Yes/No

Internet : Yes/No

Tsg



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To

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2.The Superintending Engineer, TANGEDCO,
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N.SESHASAYEE, J.,

Tsg

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