



WEB COPY



W.P.No.15157 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.15157 of 2023 and
W.M.P.Nos.14654 and 14655 of 2023

P.Viswanathan

... Petitioner

vs.

1.The Senior Superintending Engineer,
The TANGEDCO,
Tamil Nadu Power Generation and
Distribution Corporation,
Trichy Road, Coimbatore.

2.The Chief Executive Engineer,
Tamil Nadu Power Generation and
Distribution Corporation,
Udumalai Road, P.Vadugapalayam,
Palladam, Tiruppur.

3.The Assistant Engineer,
Tamil Nadu Power Generation and
Distribution Corporation,
Palladam Power Distribution Corporation,
Elavanthi, Tiruppur District – 641 664.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 3rd respondent under Proc Ka.No.U.Mu.Po/Elavanthi/Ko.TA Notice/Vi.No/



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04/2023 dated 13.04.2023 and quash the same as arbitrary, illegal, unsustainable in law and on facts.

For Petitioner : Mr.AR.M.Arunachalam

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Mr.L.Jaivenkatesh, learned Standing Counsel accepts notice on behalf of the respondents.

3.The petitioner has filed the writ petition, praying for issuance of a Writ of Certiorari to call for the records of the third respondent under Proc Ka.No.U.Mu.Po/Elavanthi/Ko.TA Notice/Vi.No/04/2023 dated 13.04.2023 and to quash the same.

4.The case of the writ petitioner is that he was running a Power Loom Factory in respect of which there has been a default in payment of electricity consumption charges. The petitioner has an independent



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domestic electricity connection for his residence in respect of which there is no arrears.

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5.Earlier, the Commercial Service connection was disconnected on 29.10.2021. However, now the third respondent has issued impugned notice dated 13.04.2023 informing that the non payment of arrears of Rs.25,84,650/- towards consumption charges for Commercial Power Connection will be clubbed with the domestic connection charges. The petitioner has given a representation dated 24.04.2023 requesting for further time and undertaking to pay the entire dues in respect of the commercial connection in three equal installments, not later than a period of nine months. But, the representation has not been disposed of by the respondents.

6.Considering the above facts and the bonafides expressed by the writ petitioner, this Court feels that the respondents can objectively consider the representation of the petitioner dated 24.04.2023 to settle the entire arrears, within a period of nine months (three equal installments). In the mean time, the respondents shall not club the commercial power connection charges to



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the domestic service connection, enjoyed by the writ petitioner and effect disconnection to the domestic service connection. The third respondent shall pass orders on the representation dated 24.04.2023 made by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.05.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
rsi/vga



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P.B.BALAJI, J.

rsi/vga

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