



W.P.No.19815 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.19815, 19816 & 19817 of 2018
and W.M.P.Nos.23257 to 23262 of 2018

M.S.Rajasekar

.. Petitioner
in W.P.Nos.19815 & 19816 of 2018

B.Shivakumar

..Petitioner
in W.P.No.19817 of 2018

Vs.

1. The Tamilnadu Generation and
Distribution Corporation Limited
Represented by its Chairman and Managing Director,
No.800, Annasalai, Chennai-600 002.

2. The Assistant Executive Engineer,
Operation and Maintenance
Sholinganallore CEDC/CH/C2
TANGEDCO Chennai

.. Respondents
in all petitions



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Prayer in W.P.No.19815 of 2018:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to the provisional assessment order dated 18.07.2018 of the 2nd Respondent herein (served on 27.07.2018) in respect of service connection No.09-327-001-1360/1A at Block No.3, Flat E1 at No.476A, 3rd Cross Street, Rajiv Gandhi Salai, Sholinganallore, Chennai-600 119 and quash the same and consequently direct the respondents herein to restore the electricity service connection of the petitioner bearing No.09-327-002-1360/1A at Block No.3, Flat E1 at No.476A, 3rd Cross Street, Rajiv Gandhi Salai, Sholinganallore, Chennai-600 119

Prayer in W.P.No.19816 of 2018:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to the provisional assessment order dated 18.07.2018



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of the 2nd Respondent herein (served on 27.07.2018) in respect of service connection No.09-327-002-1375/1A at Block No.3, Flat E2 at No.476A, 3rd Cross Street, Rajiv Gandhi Salai, Sholinganallore, Chennai-600 119 and quash the same and consequently direct the respondents herein to restore the electricity service connection of the petitioner bearing No.09-327-002-1375/1A at Block No.3, Flat E2 at No.476A, 3rd Cross Street, Rajiv Gandhi Salai, Sholinganallore, Chennai-600 119.

Prayer in W.P.No.19817 of 2018:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to the provisional assessment order dated 18.07.2018 of the 2nd Respondent herein (served on 27.07.2018) in respect of service connection No.09-327-002-1370/1A at Block No.5, Flat J1 at No.476A, 3rd Cross Street, Rajiv Gandhi Salai, Sholinganallore, Chennai-600 119 and quash the same and consequently direct the respondents herein to restore the electricity service connection of the petitioner bearing No.09-327-002-



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1370/1A at Block No.5, Flat J1 at No.476A, 3rd Cross Street, Rajiv Gandhi

Salai, Sholinganallore, Chennai-600 119.

In all Petitions:

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for M/s.A.L.Gandhimathi

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO

COMMON ORDER

Since the issue involved in all the Writ Petitions is one and the same, all these Writ Petitions are taken up for final disposal.

2. The above Writ Petitions have been filed for quashment of the provisional assessment order dated 18.07.2018 which was passed by the 2nd respondent in respect of the electricity service connections in respective Writ Petitions and for a consequential direction to the respondents to restore the said electricity service connections in the subject premises.



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3. The petitioners are the absolute owners of the subject premises in the respective Writ Petitions. On inspection, the respondent officials found an unauthorized usage of electricity in the subject premises. Therefore, they directed the petitioners to pay the compound fee of Rs.16,000/- in respect of their service connections towards the unauthorized usage of electricity and accordingly, the compound fee was paid by the petitioners, pursuant to which, the provisional assessment order dated 18.07.2018 came to be passed by the 2nd respondent directing the petitioner to pay the extra levy towards the unauthorized usage of electricity. Challenging the same, the petitioners have come with the above Writ Petitions.

4. Though very many grounds have been raised, learned senior counsel for the petitioners submitted that it would suffice if this Court permits the petitioners to give their explanation with regard to the consumption of electricity in the subject premises to the respondents before passing of the final assessment order.



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5. Learned standing counsel appearing for the respondents has no objection to the said order being passed.

6. Though the above Writ Petitions have been filed seeking a larger relief, however, in view of the limited relief sought for by the petitioner, this Court without interfering with the impugned order dated 18.07.2018, is inclined to permit the petitioners to submit their explanation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondents shall pass the final assessment order in terms of the Tamil Nadu Electricity Supply Code, 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 thereafter.



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7. These Writ Petitions are disposed of with the above direction.

There shall be no order as to costs. Consequently, the connected

Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

To

1.The Chairman and Managing Director,
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Distribution Corporation Limited
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2. The Assistant Executive Engineer,
Operation and Maintenance
Sholinganallore CEDC/CH/C2
TANGEDCO Chennai



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M.DHANDAPANI, J.

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