



WA No.155 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. The Superintending Engineer,
Tamil Nadu Electricity Board,
CEDC-South 110 KV K.K.Nagar,
S.S.Complex, K.K.Nagar,
Chennai-600 078.

2. The Executive Engineer,
Tamil Nadu Electricity Board,
CEDC/MRT/South,
Dr.J.J.Maalgai KV Campus,
Chennai-600 032.

.. Appellants

-VS-

Rayala Corporation Private Ltd.,
Rep by its Managing Director,
Mr.Ranjit Pratap,
No.144/7, Old Mahabalipuram Road,
Kottivakkam, Chennai-600 041.

.. Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 18.06.2019 passed in W.P.No.27741 of 2008.



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For the Appellants : Mr.Dhalapathy Vignesh Kumar
for Mr.L.Jai Venkatesh

For the Respondent : Mr.George Cheriyan

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Dhalapathy Vignesh Kumar, learned counsel for the appellants and Mr.George Cheriyan, learned counsel for the respondent.

2. The present respondent/original writ petitioner has filed the writ petition challenging the demand notice issued by the appellants seeking refund of the amount of Rs.62,80,845/-. The learned Single Judge partly allowed the writ petition. Aggrieved thereby, the present appeal.

3. The learned counsel for the appellants submits that the petitioner had not submitted the completion certificate and all other



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relevant documents. In absence thereof, the electricity could not have been supplied. Reliance is placed on the circular dated 22.11.2006. According to the learned counsel, the said circular is issued pursuant to the Division Bench judgment of this Court in W.P.Nos.18898 of 2000, 19998 of 2001, 24316 of 2002 and 17646 of 2006 dated 23.08.2006. The learned Single Judge could not have passed the impugned order.

4. It appears that the HT agreement was executed between the appellants and the respondent on 30.09.2006. First supply notice was issued on 03.01.2007. The monthly minimum charges were claimed by the present appellants for the period from 03.01.2007 till 30.09.2008 on the ground that the petitioner had not submitted the completion certificate and the relevant documents.

5. It would appear that the learned Single Judge in a writ petition filed by the present respondent bearing W.P.No.27514 of 2007 had passed an order on 26.09.2007 directing the fourth respondent therein, that is the second appellant herein, to provide electricity service connection of 1000 KVA by energising the same for the single project situated at No.144/7, Old Mahabalipuram Road, Kottivakkam,



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Chennai. Even thereafter, the Electricity Board did not provide electricity service connection. Hence, the petitioner filed a Contempt Petition bearing No.89 of 2008 and only after an order was passed on 25.04.2008, the Electricity Board effected the service connection on 30.09.2008.

6. The learned Single Judge in the impugned order has not interfered with the claim of the present appellants to charge monthly minimum charges from 03.01.2007 till 25.04.2008. The learned Single Judge has held that the present appellants Board is not entitled to claim monthly minimum charges from the petitioner from 25.04.2008 till 30.09.2008, that is the period the order was passed in the contempt petition and till the appellants provided the electricity connection. For other period, the Court has not interfered with the claim of the appellants. It is only because the present appellants did not adhere to the order of the Court even in a contempt petition for the interregnum period from 25.04.2008 till 30.09.2008, the appellants were restrained from collecting the monthly minimum charges.



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We do not find any error on the part of the learned Single Judge.

The writ appeal as such is dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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(sra)

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