



W.P.(MD) No.12658 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.12658 of 2023
and
W.M.P.(MD) No.10681 of 2023**

C.Babu

... Petitioner

/vs./

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
TANTRANSCO New Building, 6th Floor,
144, Anna Salai,
Chennai 600 002.
- 2.The Chief Engineer/Distribution,
O/o. the Chief Engineer/Distribution,
TANGEDCO, K.Pudur,
Madurai 625 007.
- 3.The Superintending Engineer,
Sivagangai EDC,
TANGEDCO, Sivagangai,
Sivagangai District 639 562.
- 4.The Executive Engineer/Distribution,
TANGEDCO, Sivagangai Electricity Distribution Circle,
Sivagangai, Sivagangai District 639 562.



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5.The Assistant Electrical Engineer,
O/o. the Assistant Electrical Engineer,
TANGEDCO, Nattarasankottai,
Sivagangai District 630 556.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the disconnection of the Electricity Supply in Electricity Service No.05-461-001-524 to the petitioner's house as illegal and consequently to direct the respondents No.3-5 to restore the Electricity Supply in Electricity Service No.05-461-001-524 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The above writ petition is filed for the issue of a Writ of Declaration declaring the disconnection of the electricity supply in Electricity Service No. 05-461-001-524 to the petitioner's house as illegal and consequently directing the respondents 3 to 5 to restore the electricity supply.

2.It is the case of the petitioner that he is a resident of D.No.162/1, Kuthiya Gandhi Adi Dravidar Colony and has electricity service connection bearing No.



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05-461-001-524. The petitioner has taken this property on rent from one N.Periyakaruppan in the year 2018. Prior to him, his owner was residing in the said premises and he is a nonagenarian.

3.On 07.02.2023, the electricity supply was disconnected and the meter was taken away by the officials of the fifth respondent. No prior notice had been given either to the petitioner or to his owner. When he had enquired with his owner, he had informed the petitioner that he should contact the electricity authorities. Since the personal visit did not yield the desired result, he had sent out an application under the RTI Act. He had received a communication dated 15.04.2023, in which it was stated that the bill amount of Rs.170/- for the month of November, 2020 was not paid and therefore, this service connection was disconnected on 18.12.2020 and the meter was removed on 07.02.2023. The permanent disconnection was effected on 10.03.2023. These dates were totally erroneous, since till 07.02.2023, the petitioner was enjoying the electricity supply. Therefore, the petitioner has come forward with the above writ petition for declaration that the disconnection effected is illegal and consequently directing the respondents 3 to 5 to restore the electricity supply.



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4. When the matter came up, the main grievance of the petitioner was that no notice whatsoever has been issued about the arrears of rent prior to its disconnection. He would submit that the disconnection and the removal of the meter had taken place simultaneously without following the procedure contemplated under the Act.

5. The learned Standing Counsel appearing on behalf of the respondents has also accepted that the notice had not been issued prior to the removal of the meter.

6. Heard the learned counsels appearing on either side.

7. A perusal of the response to the RTI query made by the petitioner in February, 2023 would reveal that the petitioner's owner, N.Periyakaruppan had not paid a sum of Rs.170/- being the amount due towards the consumption charges for the month of November, 2020 and the meter had been disconnected on 18.12.2020. Since the consumer has not sought to have the service connection reconnected or to pay the arrears with penalty, on 08.02.2023 the meter was removed and on 10.03.2023, the electricity connection was finally disconnected.



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The response does not contain any details about the notices being issued to the consumer.

8.Considering the fact that the procedure as contemplated under Section 56 of the Electricity Act, 2003 has not been followed before disconnecting the service, which is evident from a perusal of the response to the RTI query, the respondents shall re-install the meter back in the premises at their cost and the petitioner shall pay the arrears with reconnection charges and penalty to have the reconnection. On such payment, the electricity service connection will be restored to the petitioner. The respondents shall not recover the cost of reinstalling the meter from the petitioner.

9.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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