



W.P.(MD)No.17363 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17363 of 2016
and
W.M.P.(MD).No.12591 of 2016

Selvaraj

Vs.

... Petitioner

1.The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.

2.The Executive Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.

3.Assistant Executive Engineer,
Tamilnadu Electricity Board & Electricity
Distribution Circle,
Thiruvadani,
Ramanathapuram District.

4.Assistant Engineer,
Tamilnadu Electricity Board & Electricity
Distribution Circle,
Thoondi,
Ramanathapuram District.

... Respondents



W.P.(MD)No.17363 of 2016

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to cancel the average billing amount Rs.3,21,738/- (Three Laksh Twenty One Thousand Seven Hundred Thirty Eight Rupees only) in Service No. 315-030-71 in Michelpattinal Village in Thondi Distribution Circle and consequently directing the fourth respondent to restore electricity connection in Service No.315-030-71 for petitioner's prawn farm in michelpattinam village based on petitioner's representation 10.08.2016 within the time frame.

For Petitioner :Mr.D.Balamurugapandi

For Respondents :Mr.S.Deenadhayalan

ORDER

The petitioner's grievance relates to a bill for a sum of Rs. 3,21,738/- in relation to electricity service connection No.315-030-71.

2. The petitioner asserts that all electricity charges, which were proper and normal, were duly paid by the petitioner. As regards the impugned charge, the petitioner asserts that no prawn culture was carried out from January to June of 2015 and, therefore, the amount demanded by the respondents is not liable to be paid by the petitioner.



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3. Learned Standing Counsel for the respondents contends, in response, that the petitioner has an alternative remedy by way of an appeal under Regulation 11(7) of the Tamil Nadu Electricity Supply Code. He further submits that such remedy should have been availed of before the end of the next billing month.

4. Upon the impugned demand being made, the petitioner *bona fide* approached this Court for relief. In fact, at the time of admission, subject to payment of a sum of Rs.75,000/-, the service connection was directed to be restored by this Court. At present, the petitioner is receiving electricity supply in the said service connection.

5. On perusal of the Tamil Nadu Electricity Supply Code, I do not find any provision imposing a limitation period. In any case, the petitioner approached this Court *bona fide* and therefore he is entitled to the exclusion of the time consumed in this proceedings.



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6. By taking note of the existence of an alternative remedy, W.P. (MD).No.17363 of 2016 is disposed of by directing the petitioner to carry an appeal before the appropriate authority under the Tamil Nadu Electricity Supply Code. If such appeal is filed within a period of two weeks from the date of receipt of a copy of this order, such appeal shall be considered and disposed of on merits and not rejected on the ground of limitation. There shall be no order as to costs. Consequently, connected W.M.P.(MD).No. 12591 of 2016 is closed.

03.04.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbm



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SENTHILKUMAR RAMAMOORTHY, J.

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