



WEB COPY



W.P.No.1178 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.1178 of 2016

A.Shanmugam

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Madras – 600 002.

2.The Appellate Authority cum Executive Engineer,
Tamil Nadu Electricity Board, Erode.

3.The Superintendent Engineer,
EEDC, Erode.

4.The Assistant Engineer,
Construction/South, Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records on the file of the 4th respondent in Ka.No.u Che Po/Ka/ Th/E/Ko.Mi.Thi./No.469 / 2015 dated 19.10.2015 and quash the same as illegal, incompetent, illegal and unconstitutional.

For Petitioner : M/s.V.Srimathi

For Respondents : Mr.I.Syed Sibghatulla
Standing Counsel



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ORDER

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2. The case of the petitioner is that, he is the owner of the property situated at D.No.103/1 and he had leased out the property to one S.Viswanathan on monthly rent of Rs.2,000/-. The 4th respondent/ Assistant Engineer made an inspection on 19.09.2015 and claimed that the electricity connection under the tariff IIIB was unauthorizedly used for a different premises. It is stated that the electricity was used not in the place of supply point, but was extended through an underground cable 500 feet away. It is further claimed that a supply is already availed under tariff IIIB bearing SC.No.046-001-898 in the name of Saravanan for the adjoining premises. However, there is no unauthorized extension as alleged by the 4th respondent nor any violation to section 126 of the Electricity Act. The tariff in respect of both the premises is under IIIB. The consumption is being monitored by a meter fixed in both the premises. Both the premises are distinctively separated. Arbitrarily, the 4th respondent had computed the user at 2,23,672 units and issued the



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impugned proceedings dated 19.10.2015 calling upon the petitioner to pay a sum of Rs.29,11,650/- inclusive of e-tax. Challenging the same, the above writ petition is filed before this Court.

3. Learned counsel appearing for the petitioner submits that, as against the impugned order passed by the 4th respondent, there is an effective appeal remedy before the appellate authority. Hence, he prays that, this Court may grant the above liberty to the petitioner.

4. In view of the above submissions made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed with a liberty to the petitioner to prefer an appeal before the appellate authority in the manner known to law. No costs.

27.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1. The Chairman,
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M.DHANDAPANI, J.

sp

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