



W.P.No.10824 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10824 of 2021

And

W.M.P.No.11456 of 2021

A.Perumal

... Petitioner

Vs.

1.Superintending Engineer(O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Salem Electricity Distribution Circle,
Udayapatty By Pass,
Udayapatty,
Salem – 636 014.

2.The Chairman
Tamil Nadu Electricity Regulatory Commission
4th Floor, SIDCO Corporate Office Building,
Thiru-Vi-Ka. Industrial Estate,
Guindy,
Chennai – 600 032.

3.M/s.Salem Refractors Pvt. Ltd.,
H.T S.C.No.31, 278,
Chettinaickanpatty,
Thadicombu Road,
Dindigul – 624 709.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus, calling for the records of the



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first respondent vide Lr.No.SE/SEDC/SLM/AEE/DEV.2/F.CGRF/G1/No. 212-1/20, dated 13.02.2020 and quash the same and direct the first respondent to implement the TNERC supply code 2004 Section 17(9) as per order in W.P.No.30044/2004 dated 19.02.2019 and collect the proportionate arrears from the third respondent.

For Petitioner : Mr.Chandrasekaran
For Respondents : Mr.I.Syed Sibghatulla for R1 and R2
R3 – NRN

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent vide Lr.No.SE/SEDC/SLM/AEE/DEV.2/F.CGRF/G1/No. 212-1/20, dated 13.02.2020 and quash the same and direct the first respondent to implement the TNERC Supply Code, 2004 Section 17(9) as per order in W.P.No.30044 of 2004 dated 19.02.2019 and collect the proportionate arrears from the third respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner purchased a housing property carrying Electricity Service Connection No.219/H9 from one Metha, an Industrialist. The said Metha sold his industry having Electricity Service Connection



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H.T.No.31 to the third respondent. During audit, Electricity Service Connection H.T.No.31 was found to have arrears of Rs.77,794/-, however, the first respondent instead of recovering the amount from the third respondent, issued demand notice to the petitioner and further submitted that there is no due from the petitioner's service connection.

3.The learned counsel appearing for the respondents submitted that in the earlier round of litigation, the petitioner paid a sum of Rs.40,060/- to the Electricity Board, however, the HT service connection having arrears was purchased by the third respondent and notice was issued only to the petitioner. Hence, this Court may remand the matter back to the first respondent and issue direction to the first respondent to conduct adjudication inbetween the petitioner and the third respondent and to pass appropriate orders.

4.The grievance of the petitioner is that the Electricity Service Connection in the factory purchased by the third respondent has arrears, however, the entire amount was fastened against the petitioner. On the sole ground, this Court set aside the impugned



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order and remand the matter back to the first respondent. The first respondent is directed to hear the petitioner and the third respondent and pass appropriate orders, as expeditiously as possible.

5.This writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

20.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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M.DHANDAPANI,J.
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