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W.P.No.17543 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17543 of 2019

and

W.M.P.No.17023 of 2019

Jains Pebble Brook Flat Owners Association-Phase 1,
Represented by its Secretary

... Petitioner

-Vs-

1.The Assistant Executive Engineer,
O & M, Shollinganallur, CEDC South II,
110/33KV Perungudi SS Complex,
Perungudi, Chennai-600 096

2.Tamil Nadu Generation and Distribution Corporation Ltd,
(TANGEDCO),
Rep.by its Chairman,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

3.M/s.Jain Housing
represented by its Partners.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Certiorari, calling for the records in relation to the
DEMAND made by the 1st respondent in Letter



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No.AEE/O&M/Sholinganallur/F.MIS/D.493/2018, dated 17.12.2018 in respect of service connection No.214-134-621 and quash the same as illegal.

For Petitioner : M/s.Rohini Ravikumar
For R1 & R2 : Mr.S.Enock Anand
for M/s.L.Jaivenkatesh, SC
For R3 : No appearance

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, thereby demanded a sum of Rs.1,20,604/- in respect of existing service connection No.214-134-621.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 & 2. Though notice has been served on the third respondent, none appeared on behalf of the third respondent either in person or through pleader.

3. Subsequent to the said order, similar order has been challenged before this Court in W.P.No.6688 & 6692 of 2020. This Court, by an order dated 25.04.2023, recorded that a new tariff order also been passed by the respondents and as such, the demand made by the



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respondents warrants interference as it has to be decided in terms with the new tariff order. Hence, the said order of impugned demand cannot be sustained and it is liable to be quashed.

4. In view of the above, the demand made by the first respondent is set aside and the matter is remanded back to the respondents to pass fresh order in respect of the petitioner's premises. The respondents 1 and 2 are directed to conduct inspection of the petitioner's premises and pass appropriate orders on merits in accordance with law as per the new tariff order dated 09.09.2022 within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

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