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Writ Petition No.34804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/9/2024

C O R A M

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Writ Petition No.34804 of 2023

M.R.Saradha

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Petitioner

Vs

1. The Superintending Engineer
Tiruppur Electricity Distribution Circle
TANGEDCO, No.18 A Jyothi Nagar
Perumanallur Road, Tiruppur
Tiruppur District.
2. The Executive Engineer – Tiruppur
Tiruppur Electricity Distribution Circle
TANGEDCO, Kumar Nagar, Avinashi Road
Tiruppur
Tiruppur District.
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur
Tiruppur District.

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Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents to
restore the electricity service connection bearing S.C.No.205 007 393 TF III



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B for the building No.11 Lakshmi Nagar Extension, Jupiter Company Backside, Tiruppur, consequently directing the respondents to adjust Rs.4/- lakhs in future electricity bills as deposited by the petitioner as per this Court order in W.P.No.39206 of 2015 dated 11/12/2015.

For petitioner ... Mr.C.Prakasam

For respondents ... Mr.L.Jaivenkatesh

ORDER

This writ petition has been filed to direct the respondents to restore the electricity service connection bearing S.C.No.205 007 393 TF III B for the building No.11 Lakshmi Nagar Extension, Jupiter Company Backside, Tiruppur, and consequently direct the respondents to adjust Rs.4/- lakhs in future electricity bills as deposited by the petitioner as per this Court order made in W.P.No.39206 of 2015 dated 11/12/2015.

2. The case of the petitioner is that the petitioner is the owner of the premises bearing No.11, Lakshmi Nagar Extension, Tiruppur and the said premises was let on rent to run a small cottage industry for manufacturing ice cubes under the name and style of M/s. Tiruppur Ice. On 28/10/2015,



respondents 2 and 3 inspected the service connection in the building and alleged that out of 3 phases, current was recorded in only two phases.

Hence, respondents have issued a mahazar stating that no consumption has been recorded in R-phase and the said reading is at '0'.

3. The main grievance of the petitioner is that in the absence of petitioner, respondents 2 and 3 have replaced the meter and they have issued a letter, directing the petitioner to pay a sum of Rs.14,34,452/-, within seven days from the date of demand, towards the revised charges effecting for a period from 1/12/2010 to 28/11/2015. Since, the respondents have issued repeated demand notices, petitioner has preferred W.P.No.39206 of 2015. This Court, vide, order, dated 11/12/2015, directed the petitioner to remit a sum of Rs.4,00,000/- on or before 28/12/2015, before the third respondent therein. Further, directed the respondents not to disconnect the electricity connection, if the petitioner remits the said amount and granted two weeks time from 28/12/2015 to the petitioner to prefer an application before the Consumer Grievances Redressal Forum (CGRF).

4. The petitioner had remitted a sum of Rs.4,00,000/- and preferred a complaint before the CGRF, Tiruppur. Pending application, the Assistant



Superintending Engineer had issued a letter dated 1/2/2016, directing the petitioner to remit the balance sum of Rs.10,31,685/- out of Rs.14,31,685/-.

Being aggrieved, the petitioner has filed an appeal before the Tamil Nadu Electricity Ombudsman. Pending appeal, petitioner had submitted a representation to the Enquiry Officer, requesting them to send the alleged defective meter for inspection to a third party independent expert to ascertain the accuracy of the meter. Since, the same was not looked into, petitioner has filed W.P.No.12345 of 2017. This Court, vide, order dated 1/11/2022, came to the conclusion that impugned order passed by revising the bills based on their own calculations without examining the meter by subjecting the same in a third party test laboratory accredited by the National Accreditation Board or by the Electrical Inspector of the Government of Tamil Nadu, cannot be sustained in the eye of law and allowed the writ petition.

5. On receipt of the said order, the petitioner has approached the second respondent and made a request to restore the service connection, but the second respondent directed the petitioner to approach the Electricity Consumers Redressal Forum, Tiruppur. Even though the petitioner has approached the said forum, till date, no action was taken by the respondents.



Since, electricity connection has been disconnected for the past eight years, the petitioner could not let out the building. Hence, made a representation on 30/12/2022 to the second respondent to restore the service connection in S.C.No.205 007 393 TF III B for the building No.11, Lakshmi Nagar Extension, Jupiter Company backside, Tiruppur. Since, there was no response, the petitioner has approached this Court by way of a present writ petition.

6. The Assistant Executive Engineer, TANGEDCO, Bridgeway Colony, Tirupur/third respondent has filed a counter affidavit, wherein it is stated that a new meter was fixed in the petitioner premises on 1/12/2010 for the purpose of additional load and a routine inspection was conducted on 28/10/2015, which is in accordance with the said regulation. During the said inspection, since one phase was not recorded in 3 phase meters, meter was removed on 31/10/2015 and sent for testing to MRT lab.

7. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned counsel for the respondents.

8. The learned counsel appearing for the petitioner submitted that



even though the petitioner has remitted a sum of Rs.4,00,000/- (Rupees four lakhs only), electricity connection was not restored in favour of the petitioner.

9. The learned Standing Counsel appearing for the respondents submitted that as against the order passed in W.P.No.12345 of 2017, respondent Electricity Board has preferred an appeal in W.A.SR.No.99178 of 2024. However, the service connection will be restored in favour of the petitioner, subject to the result of the writ appeal.

10. Perused the materials available on record.

11. This Court has already passed an order, directing the respondents to provide electricity connection, after the petitioner remitting a sum of Rs.4,00,000/-. Even though, the amount has been deposited by the petitioner, electricity connection has not been restored by TANGEDCO. Though it is the stand of the respondents that appeal has been filed and the same is in SR stage, in the absence of any interim direction in the appeal, respondents are bound to comply with the orders passed by this Court in W.P.No.39206 of 2015.



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12. In such a view of the matter, respondents are hereby directed to restore the electricity service connection bearing S.C.No.205 007 393 TF III B for the building No.11, Lakshmi Nagar Extension, Jupiter Company backside, Tiruppur, in favour of the petitioner, within a period of two weeks, from the date of receipt of a copy of this order. No costs.

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mvs.

Index : Yes / No

Neutral Citation: Yes/No



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M.DHANDAPANI,J

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