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W.P.No.25978 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.25978 of 2022**

R.Raghavan

... Petitioner

VS.

1.The Assistant Executive Engineer  
(Operation and Maintenance)  
TANGEDCO, Gangavalli & Taluk  
Salem District

2.The Assistant Engineer  
TANGEDCO, Gangavalli  
Gangavalli Taluk  
Salem District

3.The Junior Engineer  
O&M / TANGEDCO  
Goodamalai 636 105  
Gangavalli Taluk  
Salem District

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Junior Engineer, O&M/TANGEDCO, Goodamalai, the 3<sup>rd</sup> respondent herein to restore the service connection bearing SC No.567-003-671, TF:IV at Survey No.102/6, Krishnapuram Village, Gangavalli Taluk, Salem District within a time frame as fixed by this Court.



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For Petitioner : M/s.M.A.Aruneshe  
for M/s.A.V.Arun

For Respondents : Mr.I.Syed Sibghatulla  
Standing Counsel (TNEB)

### **ORDER**

The petitioner herein seeks a direction to the 3<sup>rd</sup> respondent to restore the service connection bearing SC No.567-003-671, TF:IV in Survey No.102/6, Krishnapuram Village, Gangavalli Taluk, Salem District, within the time fixed by this Court.

2. It is the case of the petitioner that the petitioner is having agricultural land measuring to an extent of 5 cents in S.No.102/6 with a Well. He is also having electricity service connection in the above said land and the same is an agricultural service connection. The petitioner is cultivating the land to an extent of 1 acre in S.No.106/3 and to an extent of 1.36 acres of land in S.No.106/1. The petitioner draws water from the Well situated in S.No.102/6 for agricultural activities.

3. The respondents made an Inspection on 05.06.2012 and found there was unauthorised use of electricity. Therefore, the respondents raised



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a demand for payment of penalty. The petitioner paid the compounding charges of Rs.15,000/- immediately. Aggrieved by the imposition of penalty at the rate of Rs.58,946/-, the petitioner filed a writ petition before this Court in W.P.No.17970 of 2012 and the said writ petition was disposed of by directing the petitioner to pay the remaining amount as per the demand made by the respondents without belated payment surcharge and penal interest. Thereafter, the 3<sup>rd</sup> respondent raised a demand on 21.12.2020 directing the petitioner to pay a sum of Rs.59,185/- and get reconnection of the same. The demand made by the 3<sup>rd</sup> respondent which includes levy amount of Rs.58,946, reconnection fees of Rs.150/-, testing fees of Rs.75/- and applicable GST. The said amount was paid by the petitioner on 05.02.2021. In spite of the same, the respondents have not effected reconnection. Therefore, the petitioner has come before this Court with the above mentioned prayer.

4. The learned Standing Counsel (TNEB) appearing for the respondents by relying on Rule 22(6)(i) of Tamil Nadu Electricity Regulatory Supply Code, submitted that reconnection is not possible after expiry of 5 years period.



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5. A reading of Rule 22(6)(i) of Tamil Nadu Electricity Regulatory Supply Code would make it clear that the same is applicable only if the disconnection is effected for non-payment of current consumption charges. In the case on hand, disconnection was not effected for failure to pay the current consumption charges. The disconnection was effected on the ground of unauthorised use. The demand made by the respondents was challenged before this Court in W.P.No.17970 of 2012 and this Court by order dated 31.10.2019 directed to the respondents to collect the amount without belated payment surcharge/penalty amount.

6. Pursuant the same, the 3<sup>rd</sup> respondent himself passed an order in his Proceedings No. இ.நிபொ/இ&ப/கூட/கோப்பு/எண்.155/20-21 நாள்: 21.12.2020 and directed the petitioner to pay a sum of Rs.59185/- which includes reconnection fees of Rs.150/-, testing fees of Rs.75/-. Even as per the averment made in the counter affidavit, the above said amount including reconnection charges was paid by the petitioner as early as 2022. Therefore, the 3<sup>rd</sup> respondent is not entitled to refuse reconnection to the petitioner on the ground of delay, especially when 3<sup>rd</sup> respondent himself made a demand including reconnection charges and the same was paid. Therefore, the 3<sup>rd</sup>



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respondent is directed to effect reconnection of petitioner's service connection No.567-003-671, TF:IV, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

**03.01.2025**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
dm

To

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**S.SOUNTHAR, J.**

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