

(2014) 04 MAD CK 0077

In the Madras High Court

Case No : W.P. No. 278 of 2014 and M.P. No. 1 of 2014

V.Karikalan

APPELLANT

Vs

The Executive Engineer and The Assistant Engineer, Tamil
Nadu Generation and Distribution Corporation Ltd.

RESPONDENT

Date of Decision : 29-04-2014

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2014) 04 MAD CK 0077

Hon'ble Judges : C.S. Karnan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

C.S. Karnan, J.—The petitioner submits that he is the owner of the petty shop No. 4 at Tamil Nadu Housing Board Shopping Complex, 100 feet road, Vadapalani, Chennai. In the said premises, he has a single phase commercial electricity service connection No. 276 026 234. The petitioner further submits that on 19.12.2013, the respondents' men disconnected his electricity service connection. Immediately, he contacted the respondents for reconnection and they demanded a sum of Rs.20,560/- for the same. The same had been paid by him. In spite of this, the respondents had not given electricity service connection. Further, the respondents ordered him to pay the entire due amount of the said shopping complex. Further, he has submitted a written submission to restore the electricity service connection but in spite of it, the respondents have not restored the supply. Hence, the present writ petition has been filed.

2. The very competent counsel Mr. M.Vijay Anand appearing for the petitioner submits that one Mrs. Yasodha is the owner of the property and as such she is liable to pay the said amount. He further submits that the petitioner had not committed any irregularity or illegality for consumption of usage of electricity power. The learned counsel has undertaken to pay the entire due amount as demanded by the respondents for restoration of electricity connection.

3. The highly competent counsel Mr. P.Gunaraj appearing for the Electricity Board had filed a counter statement and disclosed the facts of the case. The learned counsel submits that the respondents disconnected the service connection No. 276-025-451 on 22.08.2012, for non-payment of current consumption charges of a sum of Rs.2,70,002/- on 20.11.2013, the flying squad inspected the said service connection and found that the disconnected service connection was reconnected illegally and was used to run the air conditioned bar at the 1st floor since the date of disconnection i.e. 22.08.2012. Further, one P.Raghuraman paid the compounding charges of Rs.20,000/- on behalf of Mrs. Yasodha, on whose name the service connection was standing. Further, the respondent directed the said Yasodha to pay the extra levy of Rs.2,49,116/- due to the theft of energy along with the arrears of current consumption charges to the tune of Rs.2,70,002/-. Besides, a complaint has been lodged before the R-8 Police Station against her. Under the circumstances, one Mr. Raghuraman had admitted illegal reconnection and paid a sum of Rs.20,000/- towards compounding charges by cash and had issued a cheque for a sum of Rs.2,70,002/-, drawn in favour of the respondents and had also assured that he will pay the extra levy amount of Rs.2,49,116/- within 15 days. Hence, the complaint levelled against the said Yasodha was withdrawn. Subsequently, the said cheque was dishonoured on presentation. Further, the said Raghuraman had not paid the extra levy amount of Rs.2,49,116/- as assured by him. As such, the petitioner is not entitled to receive reconnection, since he is also involved in the illegal service connection supplied to the 1st floor of the complex. Therefore, the petitioner has colluded with the said Yasodha and Raghuraman and as such he had given illegal service connection in the 1st floor of the complex and the same was detected by the flying squad and hence the highly competent counsel Mr. P.Gunaraj for the Electricity Board entreats the Court to dismiss the above writ petition.

4. Per contra, the very competent counsel Mr. M.Vijayanand submits that the service connection No. 276-025-451 at the 1st floor of door no.5, Tamil Nadu Housing Board Complex, Jawaharlal Nehru salai, Vadapalani standing in the name of Yasodha was disconnected on 22.08.2012. The said Yasodha is the owner of the said premises and the same had been let out to one Raghuraman, who had occupied the said premises and utilised the electric power. He had also paid a sum of Rs.20,000/- for compounding charges. Further, he had agree to pay the current consumption charges of a sum of Rs.2,70,002/- for which he had issued a cheque. It is learnt that the cheque was dishonoured. As such, the respondents has to recover the same by way of recovery proceedings and they can also initiate criminal complaint against him u/s 138 of Negotiable Instrument Act. This petitioner is an innocent person. Further, the consumer ledger indicates that the name of the consumer is Smt. B.Yasodha for the shop No. 5. This petitioner's shop number is 4. It is very clear that the petitioner's service connection bears No. 276-026-234 and the said Yasodha's connection is bearing No. 276-025-451. Therefore, the demand notice relates to Yasodha's service connection and not the petitioner's service connection. However, the petitioner is

prepared to remit the entire arrears amount, as demanded by the respondents.

5. On considering the factual position of the case and arguments advanced by the learned counsel on either side and on considering the oral undertaking given by the learned counsel for the writ petitioner, on the writ petitioner's behalf, this Court directs the respondents to restore the electricity service connection No. 276-026-234, after the writ petitioner has remitted the dues demanded by the respondents forthwith.

6. In the result, the above writ petition is allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.