

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26819 of 2015
and M.P.No.1 of 2015

M/s.Tarsun Steels India (P) Ltd.,
H.T. Sc.No.361, Palladam,
S.F 156/1B, Trichy Road,
Madhapur Village, Palladam,
Tirupur - 641 664.
Rep. By its Managing Director,
S.Thangarajan

... Petitioner

vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
Tirupur Electricity Distribution circle,
TANGEDCO, Tirupur.

... Respondents

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorari calling for the records of the 2nd respondent in Lr.No.SE/TEDC/TRP/DFC/AAO/HT/F/MRTREV/HTSC 361/D4096/15 dated Nil-08-2015 and quash the same as illegal and arbitrary and untenable under law and violative of principles of natural justice enshrined under the Constitution of India.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel for
M/s.K.Seshadri

For Respondents : Mr.P.H.Aravind Pandian,
Additional Advocate General
Asst.by Mr.K.S.Rameshuwar
for TNEB.

O R D E R

The petitioner is challenging the demand notice issued by the second respondent for payment of short levy of consumption of charges to the tune of Rs.4,90,62,768.67 for the period from 26.09.2013 to 19.01.2015.

2. The petitioner is running a Steel Industry manufacturing M.S.Ingots and billets. The petitioner has obtained H.T. Service connection in H.T.Sc.No.361 with sanctioned demand of 3600 K.V.A. to run the said industry. The respondents made an inspection on 19.01.2015 and checked the meter located inside the factory and check meter fixed outside the premises and found no defect in the meter. However, the second respondent compared the reading with the meter located in the Sub-Station which is away from the petitioner's industry and based on the readings, bills for the period from 26.09.2013 to 19.01.2015 have been revised and claimed as short levy. The said order is being challenged by the petitioner.

3. Heard Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner and Mr.P.H.Aravind Pandian, learned Additional Advocate General appearing for the respondents.

4. There is no dispute with regard to the inspection made on 19.01.2015, as evident from the observation mahazar which is attached at Page No.100 of the typed set. After inspection, no show cause notice was issued to the petitioner and directly short levy has been claimed. Therefore the contention of the petitioner that no show cause notice has been issued to him before claiming short levy has got force. Taking into consideration the demand involved is to the tune of Rs.4,90,62,768.67, this Court directs the petitioner to treat the impugned order as show cause notice and forward his reply within a period of two weeks from the date of receipt of a copy of this order. Based on the reply received from the petitioner, the respondent shall afford opportunity to the petitioner and pass orders within two weeks thereafter. Since this Court directed the petitioner to treat the impugned order as show cause notice, there cannot be any enforceability of the order.

5. The writ petition is disposed of with above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

rgr

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
Tirupur Electricity Distribution circle,
TANGEDCO, Tirupur.

1 cc to M/s.K.Seshadri, Advocate Sr.No.46066

1 cc to Mr.K.S.Rameshuwar , Advocate Sr.No.46162

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kv(co)
pmk.11.9.2015



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