

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.31627 of 2015
and M.P.Nos.1 & 2 of 2015

Ka.Anandh

...Petitioner

Vs.

1. The Assistant Engineer,
TANEDCO/CEDC/WEST,
33/11 KVSS/Maduravyoyal - North
Chennai - 600 095.

2. The Chairman,
TNEB,
Anna Salai, Chennai.

...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the entire records relating to the order dated 05.08.2015 vide proceedings No.Oo.me.po/E & Pa/Maduravoyal/Va/Ko.Niluvai/A.No./2015 on the file of the respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents: Mr.P.R.Dhilipkumar

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner is the owner of apartment No.4-H5, First Main Road, MMDA Colony, Maduravoyal, Chennai and he is running a company under the name and style of M/s.Sakthi Ferro Alloys India Pvt. Ltd. The apartment has been constructed for the benefit of the staff members. There are eight individual flats available in the said apartment. As far as the subject flat is concerned, it remained vacant for more than 18 months i.e. from October 2013 to March 2015. During that period, the petitioner was charged a minimum of Rs.20/- as electricity charges. Only in the month of March 2015, the Chief Executive Officer of the company namely Mr.C.S.N.Mohan occupied the flat and found that the meter fixed for his flat is faulty. Hence, the

petitioner made request to the 1st respondent to replace the meter in Service Connection No.166-070-777 and accordingly the same was replaced. Thereafter, the occupant of the flat had been paying the electricity charges as per the meter reading from July 2015 onwards and as on date, there is no arrears of charges. However, the 1st respondent has passed the impugned order dated 05.08.2015 calling upon the petitioner to pay a sum of Rs.96,544/- towards arrears of electricity charges. Challenging the said order, the petitioner has come before this court.

3. Heard Mr.C.Munusamy, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned counsel appearing for the respondents.

4. It is contended by the learned counsel for the petitioner that for more than 18 months, the petitioner's flat was kept vacant and therefore only minimum electricity charges has to be paid for the said period. However, the learned counsel for the respondent would submit that the petitioner should have brought it to the notice of the 1st respondent about the vacant position of the flat and since intimation was not given to the 1st respondent, he cannot contend that the flat was kept vacant and he is liable to pay only the minimum electricity charges.

5. A perusal of the impugned order would show that the petitioner was directed to pay a sum of Rs.96,544/- however, he was not served with any notice providing the details under which circumstances the impugned order has been passed. Since no notice was given to the petitioner, the impugned order is liable to be set aside and it is accordingly set aside. The matter is remanded to the 1st respondent who shall issue notice to the petitioner. It is open to the petitioner to give reply to the notice and thereafter the 1st respondent shall pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order, after affording sufficient opportunity to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

rg

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Assistant Engineer,
TANEDCO/CEDC/WEST,
33/11 KVSS/Maduravyoyal - North
Chennai - 600 095.
2. The Chairman,
TNEB,
Anna Salai, Chennai.

+1 C.C. To MR.P.R.Dhilipkumar, Advocate in SR.NO.54297

+1 C.C. To MR.C.Munusamy, Advocate in SR.NO.54354

W.P.No.31627 of 2015

Lrs (CO)
sd : 05/11/2015



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