

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35688 of 2015

1.M/s.ANS Industries
51/4B Perumbadi Road
Nellorepet Gudiyatham
Gudiyatham-632 602 ... Petitioner

Vs.

- 1.Tamil Nadu Generation and
Distribution Corporation Limited
Rept. by its Managing Director,
144 Anna Salai,
Chennai-02.
- 2.The Chief Engineer /
Distribution Tamil Nadu Generation and
Distribution Corporation Limited Vellore
Region Vellore-6.
- 3.The Superintending
Engineer TANGEDCO LTD Tirupattur
Electricity Distribution Circle
Tirupattur- 635 602. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari To call for the records on the file of the 3rd respondent in Lr No. 238/ SE/ TEDC/ TPR/ DFC/RCS/A2/F.HT No 103/2015 dated 04.09.2015 and quash the same as illegal incompetent and without jurisdiction.

For Petitioner : Mr.M.Himavanth for
Mr.V.Raghavachari

For Respondents : Mr.M.Varunkumar

ORDER

Heard Mr.M.Himavanth, learned counsel for the petitioner and Mr.M.Varunkumar, learned counsel, who accepts notice for the respondents and with the consent of either side, the writ petition itself is taken up for final disposal.

2. The petitioner, which is an industry, has challenged the proceedings of the third respondent dated 4.9.2015, in and by which, the dispute raised by the petitioner to the Bill in respect of the High Tension Service Connection No.103 before the second respondent, which was forwarded to the third respondent, was rejected. The petitioner, who was served with a demand letter, dated 26.6.2015, demanding a total amount of Rs.2,54,640.00, being the current consumption charges and monthly minimum charges, 50% disconnection fees and belated payment surcharges, after deducting the security deposit from the total amount of Rs.6,52,148.00. In the said communication of the third respondent it was stated that if the petitioner disputes the liability to pay the whole or part of the amount specified in the Bill, they may do so in 30 days by preferring an appeal to the second respondent. The petitioner has preferred an appeal, though addressed to the third respondent. According to the petitioner, it has preferred appeal through proper channel and since already the second respondent has issued the Bill, he cannot decide the matter and copy of the objection has also been forwarded to the Chief Engineer. However, the third respondent, by the impugned order, rejected the petitioner's appeal and therefore, the petitioner is before this Court. Apart from the same, the petitioner has raised certain factual averments, which are to be dealt with by the authorities.

3. In the light of the above, the writ petition is allowed, the impugned order is set aside and the matter is remitted to the second respondent, who shall independently decide the petitioner's objection dated 20.07.2015 and 18.8.2015 on merits and in accordance with law, uninfluenced by any observation made by the third respondent in the impugned proceedings. The petitioner is directed to forward copies of those objections along with a copy of this order to the second respondent within 3 weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the same and after following the principles of natural justice, pass a reasoned order on merits and in accordance with law within a period of three weeks thereafter.

4. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Managing Director
Tamil Nadu Generation and
Distribution Corporation Limited
144 Anna Salai,
Chennai-02.

2.The Chief Engineer /
Distribution Tamil Nadu Generation and
Distribution Corporation Limited Vellore
Region Vellore-6.

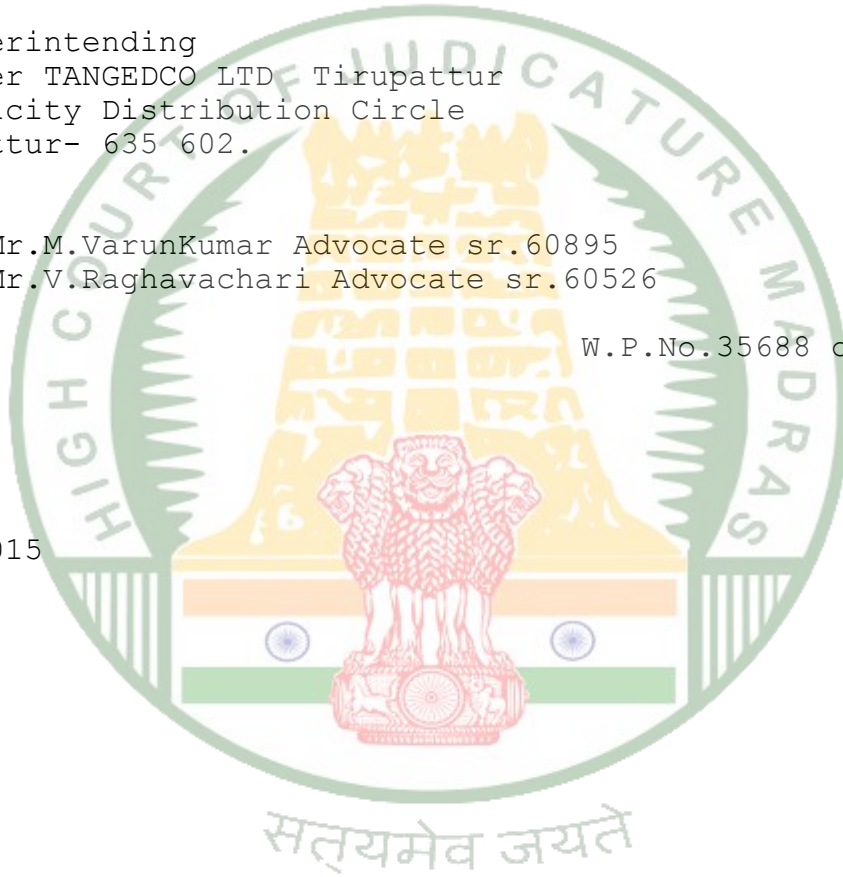
3.The Superintending
Engineer TANGEDCO LTD Tirupattur
Electricity Distribution Circle
Tirupattur- 635 602.

+1 cc to Mr.M.VarunKumar Advocate sr.60895

+1 cc to Mr.V.Raghavachari Advocate sr.60526

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