

In the High Court of Judicature at Madras

Dated : 18.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.36622 of 2015 & M.P.No.1 of 2015

Kumaravel

...Petitioner

Vs

- 1.The Executive Engineer, Tamil Nadu
Electricity Board, Tindivanam,
Villupuram District.
- 2.The Assistant Audit Officer, Tamil Nadu
Electricity Board, Audit Party No.2,
Villupuram Region.
- 3.The Junior Engineer, O & M, Tamil Nadu
Electricity Board, Marakkanam,
Villupuram District.
- 4.The Chairman, Tamil Nadu Electricity
Board, No.220, Anna Salai, Chennai-2. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Junior Engineer, O & M, Tamilnadu Electricity Board, Marakkanam, Villupuram District - the third respondent herein culminating in Ka.No.E.B/General/O&M/Marakkanam/G/Audit/137/A.No.111/dated 1.10.2015, quash the same and further direct the third respondent not to collect the audit amount the sum of Rs.3,21,089/- from the petitioner.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.M.Varunkumar

ORDER

Mr.M.Varunkumar, learned Standing Counsel takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks to quash the proceedings issued by the third respondent dated 1.10.2015 in and by which, the petitioner has been directed to remit a sum of Rs.3,21,089/- towards additional current consumption charges.

3. The primary ground, on which, the impugned order has been questioned is by contending that the electricity consumption charges for the petitioner's service connection have been computed without any notice to the petitioner.

4. On a perusal of the impugned notice, it is evident that there was no opportunity given to the petitioner prior to the issuance of the same. Therefore, on this short ground, the impugned notice is liable to be set aside.

5. Accordingly, the writ petition is allowed, the impugned notice is set aside and a direction is issued to the third respondent to issue a show cause notice to the petitioner clearly setting out the manner in which, the additional current consumption charges have been proposed to be recovered and after affording an opportunity to the petitioner to submit his objections, fresh orders shall be passed by the third respondent. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar(CCC)

True Copy

Sub Assistant Registrar

To

1.The Executive Engineer, Tamil Nadu Electricity Board,
Tindivanam, Villupuram District.

2.The Assistant Audit Officer, Tamil Nadu Electricity Board,
Audit Party No.2,
Villupuram Region.

3.The Junior Engineer, O & M, Tamil Nadu Electricity Board,
Marakkanam,
Villupuram District.

4.The Chairman, Tamil Nadu Electricity Board,
No.220,Anna Salai,
Chennai-2.

+1cc to Mr.K.Balakrishnan, Advocate Sr.62378

W.P.No.36622 of 2015
and M.P.No.1 of 2015

mg[co]
srg 19/11/2015



WEB COPY