

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40477 of 2015 &
M.P.No.1 of 2015

N.Reena

... PETITIONER

Vs

1. Superintending Engineer
Tamil Nadu Production and Distribution
Corporation
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore.
2. The Junior Engineer
Tamil Nadu Generation of Electricity
Department
Connection and Distribution Department
Tamil Nadu Electricity Board
Melpadi-632520 Vellore Dt
3. The Bureau of Indian Standards
Southern Regional Office
Post Box No. 8290
CIT Campus
4th Cross Road
Tharamani, Chennai - 600 113.
4. The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai - 600 002

... RESPONDENTS

PRAYER : Petitions filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records on the file of the 2nd Respondent in proceedings number e.ni.po/melpadi joint file NO.Audit/a/No. 071/2015-2016 dated 15.6.2015 and e.ni.po/ melpadi joint file No. Audit/a/No. 97/2015-2016 dated 9.7.2015 e.ni.po/melpadi joint file

No.Audit/a/ No. 219/2015-2016 dated 4.11.2015 and e.ni.po/melpadi Joint file No. Audit/a/No. 247/2015-2016 dated 30.11.2015 and quash the same.

For Petitioner : Mr.Sanjeev Kumar
for M/s.Royan Law Associates

For Respondents : Mr.Varun Kumar

C O M M N O R D E R

Heard Mr.Rahul Balaji, learned Counsel appearing for the petitioner and Mr.P.R.Dhilp Kumar, learned counsel who accepts notice for the respondents and with their consent the Writ Petitions are taken up for final disposal.

2.The petitioner has filed this Writ Petition challenging the proceedings dated 15.6.2015. By the impugned proceedings, an amount of Rs.2,30,238/- has been demanded from the petitioner alleging that the Meter which was installed in the premises was found to be defective and therefore it was changed and the petitioner has to pay the amount being the current consumption charges from August 2012 - August 2014.

3.From the material papers placed in the typed set of papers, it is clear that before passing the impugned order, no opportunity was granted to the petitioner and no show cause notice was issued. Furthermore, it is not clear as to how the respondent arrived at Rs.2,30,238/- and the alleged that the said amount is payable for the current consumption charges between August 2012 and August 2014. Unless and until the petitioner is issued with a show cause notice giving full details and afforded her an opportunity to contest the claim, the question of demanding payment does not arise.

4.The learned counsel appearing for the petitioner submitted that the Unit has been locked and not functioning and no inspection was conducted and she is not aware as to how she is liable to pay the amount demanded that too with effect from August 2012 onwards.

5.The learned counsel for the respondents on instructions submitted that the petitioner can approach the Consumer Grievance Redressal Forum (CGRF), for redressing her grievance.

6. In my view no useful purpose would be served, by directing the petitioner to approach the CGRF, since petitioner is not aware on what basis the demand has been made. Therefore, unless and until the second respondent issues the show cause notice furnishing the full details and the petitioner is given due opportunity, the question of petitioner approaching the CGRF does not arise and the petitioner cannot be made to approach the CGRF at this juncture without even knowing the charge against her and the basis of the impugned demand.

7. In the light of the above, the Writ Petition is allowed, the impugned order is quashed and the matter is remanded to the second respondent for fresh consideration with a direction to the second respondent to issue a show cause notice along with full particulars and afford an opportunity to the petitioner to submit her objections and thereafter pass a reasoned orders on merits and in accordance with law. Till such orders are passed, the electricity service connection of the petitioner shall not be disconnected. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

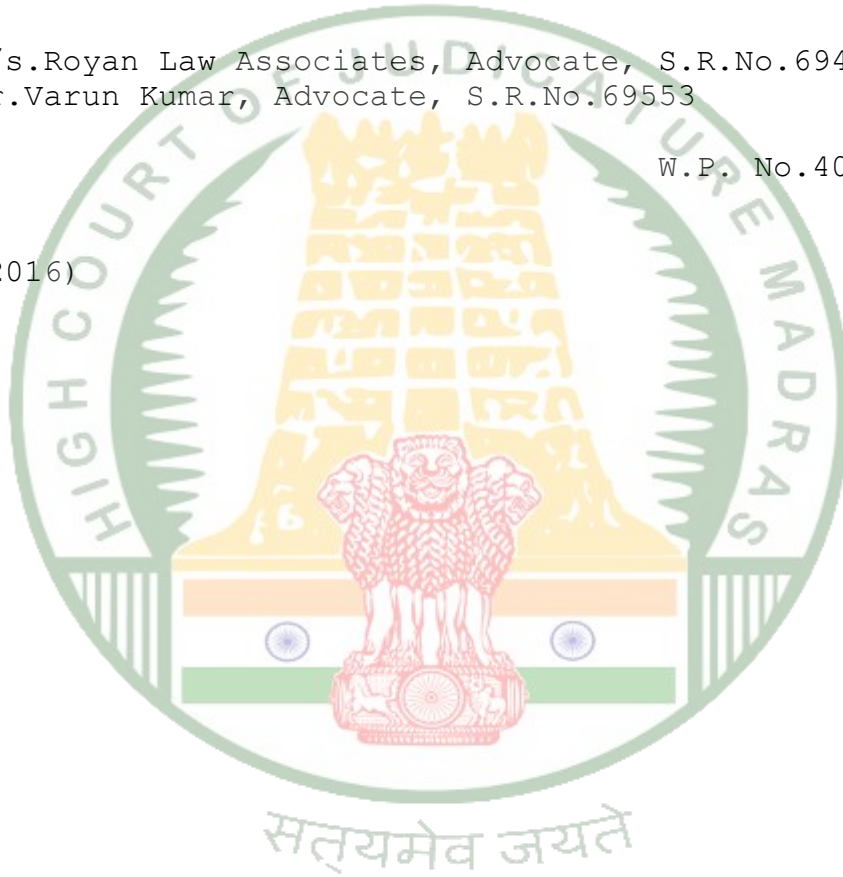
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+1cc to M/s.Royan Law Associates, Advocate, S.R.No.69415
+1cc to Mr.Varun Kumar, Advocate, S.R.No.69553

W.P. No.40477 of 2015

RSK(CO)
CA(12/01/2016)



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