

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.3.2016.

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.36450 of 2015
and
M.P.Nos.1 and 2 of 2015

Osian Heights Residents Association
Rep. by its President
Mr.H.Ghewarchand Jain
"Osian Heights"
No.76 Basin Bridge Road
Near Mint Clock Tower,
Old Washermenpet
Chennai 600 021

Petitioner

vs.

- 1 The Chairman
TANGEDCO LTD.
144 Anna Salai
Chennai 600 002.
- 2 The Chief Engineer (Distribution)
TANGEDCO LTD.
144 Anna Salai Chennai 600 002.
- 3 The Superintendent Engineer (North)
TANGEDCO LTD.
144 Anna Salai Chennai 600 002.
- 4 The Executive Engineer
TANGEDCO Vyasarpadi Division
Chennai 600 039.

5 The Asst. Accounts Officer
TANGEDCO LTD.
Revenue Branch Vyasarpadi
Basin Bridge Chennai 600 039.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records connected in Lr.No.AAO/RB/VPD/AS-7/F.S.C.No.017-002-135/D.933/2014 dated 10.9.2014 on the file of the fifth Respondent herein and quash the same.

For Petitioner : Mr.S.Sriramulu

For RR 1 to 4 : Mr.P.R.Dhilipkumar

ORDER

Petitioner is a Residents Association and filed this writ petition seeking a writ of certiorari to call for the records connected in Lr.No.AAO/RB/VPD/AS-7/F.S.C.No.017-002-135/D.933/2014 dated 10.9.2014 on the file of the fifth Respondent herein and quash the same.

2. The impugned order is, in fact, a demand raised in respect of service connection No.017-002-135 under Tariff V in respect of premises at No.76, BB Road, Stanley, Chennai 600 001. The demand is based on an alleged short assessment pursuant to an audit slip which has been issued. There is a reference to the audit slip in the impugned demand and a copy of which has been annexed alongwith

the impugned proceedings. Based on such audit slip, the amount of Rs.1,30,333/- has been directed to be paid failing which there is a threat of disconnection.

3. At the time when the writ petition was entertained, a conditional order was passed on 6.11.2015 directing the petitioner to remit 25% of the amount demanded which has been complied with by the petitioner. It appears that the petitioner has not raised any appropriate objection, but, only given a letter dated 4.11.2015, stating that they intend to get legal advice in the matter.

4. On perusal of the impugned proceedings, it is seen that the petitioner was not issued with any show cause notice nor given opportunity to rebut the allegations made, based on which the impugned order has been passed. Therefore, the petitioner could not have been directly asked to remit the amount without opportunity to place their version. However, for the above reasons, this court is not inclined to quash the impugned proceedings, but, would direct the petitioner to treat the impugned proceedings as show cause notice and submit a detailed objection with supportive records to say that defective meter was removed and they have paid all the dues as per the meter reading which has been recorded in the meter card. The

petitioner is granted four weeks time from the date of receipt of copy of this order to submit its objections. On such objections being placed by the petitioner, the fourth respondent shall hear the office bearers of the petitioner association in person, consider all the records and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date on which the petitioner submits its objections. Till the orders are passed, the electricity supply shall not be disconnected in respect of the said service connection. The writ petition is disposed of. No costs. The connected miscellaneous petitions are closed.

23.3.2016.

Index: Yes/No.
Internet: Yes/No.
ssk.

To

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T.S.SIVAGNANAM, J.

Ssk.

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