

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.15223 OF 2016
AND WMP NOS.13274 AND 13275 OF 2016

M.R.K.Ravi

.. Petitioner

Versus

1.The Electrical Junior Engineer (O&M)
(Operations and Maintenance)
Tamil Nadu Electricity Board
Marakkanam, Villupuram District.

2.The Assistant Audit Officer
Audit Party No.3 / Audit Branch
TANGEDCO / Villupuram Region
Villupuram.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to Letter No. க,எண்,உமிபொ.இ..ப..மர.கோ,தனிஆ,எண்,142/14-15 dated 25.10.2014 and quash the same and issue a consequential direction to the respondents to restore the electricity service connection to the petitioner's electricity service No.462-009-645 TF III B.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.M.Varunkumar

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O R D E R

Heard Mr.R.Saseetharan, learned counsel for the petitioner and Mr.M.Varun Kumar, learned counsel accepting notice on behalf of the respondents.

2.With the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner who is running a Prawn Farm is aggrieved by the impugned demand dated 25.10.2014 calling upon the petitioner to pay a sum of Rs.4,87,012/-, being the audit short fall for the period from April 2010 to September 2012. The petitioner would state that straight away the demand notice was issued by the first respondent without affording any opportunity to the petitioner and without issuing any show cause notice.

4.Earlier, the petitioner approached this Court in respect of another service connection by filing W.P.No.14188 of 2015 challenging the proceedings dated 13.04.2015 passed by the second respondent therein confirming the order dated 25.10.2014 passed by the fourth respondent therein. The said writ petition was disposed of by order dated 18.08.2015 imposing certain conditions on the petitioner. The operative portion of the order reads as follows:-

"5.Considering the submissions made by the learned counsel on either side, the writ petition is disposed of with the following directions:

(i)The respondents are directed to restore electricity supply to the petitioner's Service Connection No.462-009-561 within two days from today.

(ii)In view of the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) before the 1st respondent, namely, The Superintending Engineer (O&M), Tamil Nadu Electricity Board, Villupuram Electricity Distribution Circle, Villupuram, within a period of two weeks from the date of receipt of a copy of this order. In case, the petitioner failed to deposit the said amount within the stipulated time, thereby violating the undertaking given before this Court, the respondents are at liberty to disconnect the electricity service connection.

(iii)After making the deposit of Rs.8 lakhs before the 1st respondent, within a period of

two weeks thereon, the petitioner is directed to file an appeal before the 1st respondent raising all the grounds, and the 1st respondent is directed to consider the same and pass appropriate orders, with regard to the entire demand made, within a period of eight weeks thereafter."

5. Subsequently, another writ petition was filed by the petitioner in W.P.No.7103 of 2016 praying for issuance of writ of certiorari by quashing the impugned demand dated 13.11.2015. This Court, taking into consideration that the petitioner has already paid Rs.8,00,000/- and the appellate authority in the impugned order dated 13.11.2015 has reduced the original demand, pursuant to the direction issued by this Court in W.P.No.14188 of 2015, directed the service connection should not be disconnected. The said writ petition is pending and the interim stay is in force. Now the petitioner is faced with the impugned demand, which is in respect of another service connection.

6. Considering the facts and circumstances of the case and taking note of the aspect that the petitioner was not afforded an opportunity of personal hearing, before the impugned demand had been issued, this Court is inclined to direct the petitioner to submit his objections to the impugned demand, with a further direction to the authorities to consider his objections and until then, the petitioner could be granted some reprieve. However, this will be subject to certain conditions.

7. In the light of the above, the writ petition is disposed of by directing the petitioner to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the first respondent, within a period of eight weeks from the date of receipt of a copy of this order and simultaneously, the petitioner is directed to submit his objection to the impugned communication, raising all contentions and if the same is raised and if the petitioner effects payment as directed, then the first respondent shall consider the petitioner's objection and pass appropriate orders, on merits and in accordance with law. However, if the petitioner fails to pay the amount as directed in this order, the benefit of the consequential direction issued will not enure to the petitioner and the writ petition will stand dismissed. It is needless to state that the current consumption charges has to be paid as per the meter reading without any default.

8.The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

TK

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Electrical Junior Engineer (O&M)
(Operations and Maintenance)
Tamil Nadu Electricity Board
Marakkanam, Villupuram District.

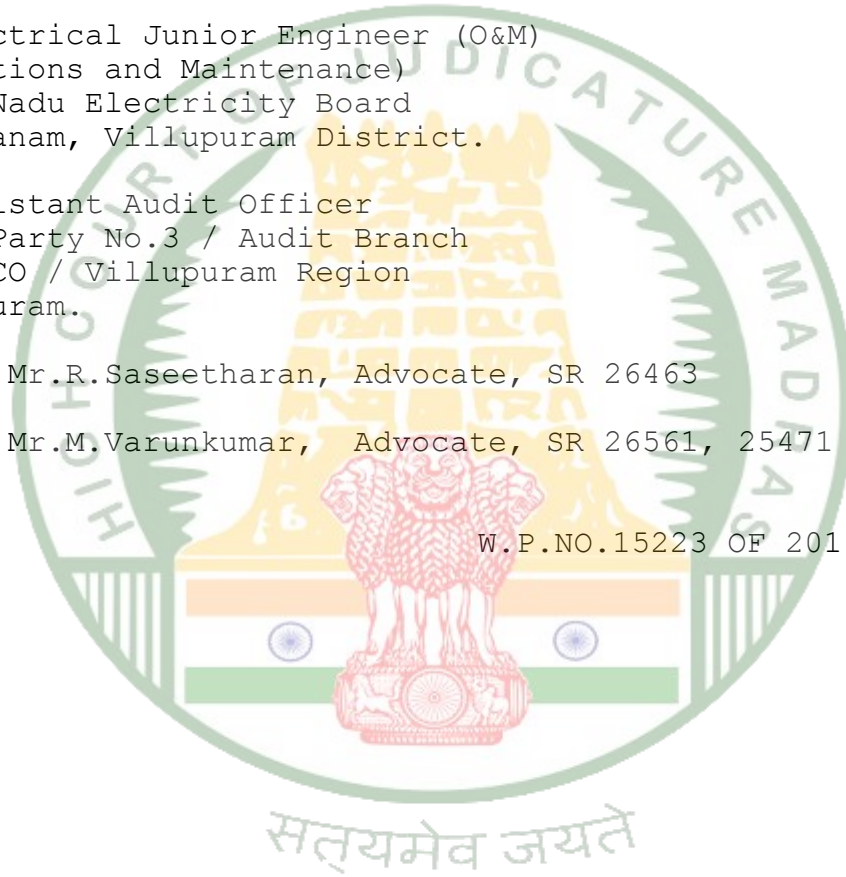
2.The Assistant Audit Officer
Audit Party No.3 / Audit Branch
TANGEDCO / Villupuram Region
Villupuram.

+ 1 cc to Mr.R.Saseetharan, Advocate, SR 26463

+ 1 cc to Mr.M.Varunkumar, Advocate, SR 26561, 25471

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W.P.NO.15223 OF 2016



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