

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No.19101 of 2016
& W.M.P.No.16644 of 2016

Govaan Steel [P] Ltd.,
HTSC No.229, S.F.No.544/1, 2, 3
Sengalipalayam Pirivu,
Chinnakanur [PO],
Kanur Village, Annur - 641 655.
Rep.its Authorised Signature G.Sekar ... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.

2.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
Tiruppur Electricity Distribution Circle [N].
Tamil Nadu Generation and Distribution
Corporation Limited [TANGEDCO],
Tiruppur.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the third respondent's impugned demand notice bearing Lr.No.SE/TEDC/TPR/DFC/AO/AAO/HT/F.Govaan/D.180/16, dated 12.04.2016 and quash the same as illegal, arbitrary, against the principles of natural justice and against the second respondent's own Circular Memo dated 03.02.2016.

For Petitioner : Mr.S.P.Parthasarthy

For Respondents : Mr.S.K.Rameshuwar
TNEB

O R D E R

The third respondent is present and has filed an affidavit, under which the reasoning given by the third respondent is accepted and his further appearance is dispensed with.

2.This order is required to be passed by this Court in the cause of justice as the petitioner's Company has become sick and steps are being taken to revive the Company by availing loan from Bank. Moreover 150 employees are to get employment, necessarily an extraordinary relief has to be given. The giving of this relief in this peculiar circumstances of this case cannot be a precedent for other cases.

3.The petitioner is an Industry manufacturing steel products and having High Tension Electricity Supply connection in HTSC No.229. The sanctioned maximum demand of 9900 KVA is to be used to run the petitioner's Industry. The petitioner is also said to be an exempted from evening peak hour restrictions between 6.00p.m. to 10.00p.m. to run the Industry continuously with optimum demand days as fixed by the third respondent, by memo dated 01.11.2008. However, due to unforeseen circumstances, the petitioner's Company become sick and the petitioner is making arrangements to revive the Industry, the third respondent issued a demand notice dated 12.04.2016 demanding Rs.17,18,46,880/- based on some audit slips for the financial years 2012-13. The said order is being challenged before this Court.

4.Heard Mr.S.P.Parthasarthy, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents.

5.It is contended by Mr.S.K.Rameshuwar that the demand is Rs.17,04,83,966/- and it is based on audit slips only and it is only a notice and it cannot be construed as demand notice. However, a perusal of the impugned order would show that, a demand was made to pay a sum of Rs.17,04,83,966/- and hence, it cannot be said a show cause notice. Therefore, the impugned order is set aside and the matter is remanded to the third respondent, who shall issue a fresh show cause notice giving details of the amount demanded along with the supporting documents including the audit slips, within a period of four weeks from the date of receipt of a copy of this order. On such receipt of the show cause notice, the petitioner shall submit his reply, within a period of four weeks thereafter. The third respondent shall afford a personal hearing to the petitioner and pass appropriate orders, within a period of four weeks thereafter.

6.With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
- 2.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
Tiruppur Electricity Distribution Circle [N].
Tamil Nadu Generation and Distribution
Corporation Limited [TANGEDCO],
Tiruppur.

+1cc to M/s. R.S. Pandiyaraj, Advocate, S.R.No.32154
+1cc to M/s. S.K. Raameshuwar, Advocate, S.R.No.32220

PPA (CO)
EU (5/07/2016)

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