

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30488 OF 2015

K.V.S.Nagarajan

Petitioner

-vs-

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai.

2. The Junior Engineer/Town,
Tamil Nadu Electricity Board,
Thiruvallur.

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records of the second respondent in Ka.No.J.E./Town, Thiru/Ka.Me.v.no. , dated 22.06.2015, in respect of S.C.No.364/051/839, and quash the same.

For petitioner : Mr.S.V.Karthikeyan

For respondents : Mr.S.K.Rameshwar

O R D E R

Petitioner is aggrieved by the demand made by the respondents, directing the petitioner to pay a sum of Rs.1,80,333/-.

2. On perusal of the impugned demand, it is not clear as to the basis of the demand. In the course of argument, learned counsel for the respondents, based on the instructions given by the respondents, submits that it is towards audit shortfall. However, the impugned notice does not reveal full details, except to say "(Audit AVR SF of 05/2011 (to) 01/2013)". If it is an audit shortfall, then, it goes without saying that the assessing authority or the Assistant Engineer concerned has not deducted the same, but it has been pointed out by the audit wing. When that be so, obviously, the petitioner is unable to know on what basis such demand has been made.

3. Learned counsel for the petitioner has invited the attention of this Court to the account summary of the petitioner's service connection, which shows that the petitioner has been promptly paying the charges and the billing cycle also prima facie appears to be in an even pattern.

4. However, in the absence of any reasons in the impugned demand, without disclosing the basis of the impugned demand, the respondent could not have demanded payment of Rs.1,80,333/-.

5. In the light of the above, the impugned demand is held to be in violation of principles of natural justice and arbitrary. On these grounds, the impugned demand is quashed. Pursuant to the interim order, dated 25.09.2015, the petitioner has paid a sum of Rs.60,000/-, which shall be kept in deposit, and as and when the respondent initiates fresh action in accordance with law, the same can be adjusted, if the petitioner still has to pay any amount.

6. Writ Petition is allowed. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

dixit

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai.

2. The Junior Engineer/Town,
Tamil Nadu Electricity Board,
Thiruvallur.

+ 1 cc to Mr.Rameshuwar, Advocate, SR 14693

+ 1 cc to Mr.Karthikeyan, Advocate, SR 14722

mg(co)
prk21/3

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