

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No. 36672 of 2015

&

M.P.No.1 of 2015

M. Rajendran

...Petitioner

Vs.

1. The Assistant Engineer/O&M/Town
Tamilnadu Electricity Board (TNEB)/TANGEDCO,
Chinna Salem

2. The Executive Engineer/O&M
Tamilnadu Electricity Board (TNEB)/TANGEDCO,
Kallajurichi

3. The Chairman,
TNEB/TANGEDCO
800, Anna Salai,
Chennai-600 002

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records relating to the 1st respondent in Ka.No.OO.Me.Po/Na/Chise/Kao.LTCT/A.No.118/2015 dated 05.11.2015, to quash the same.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Mr. M. Varunkumar for TNEB

O R D E R

Petitioner is challenging the order dated 05.11.2015, by which the petitioner has been directed to pay a penalty of Rs. 6,87,626/.

2. Learned counsel for the petitioner on instructions submitted that the petitioner would be satisfied, if his objections are considered by the 1st respondent, since there was no show cause notice issued to the petitioner.

3. At the time of writ petition was entertained, an order of interim stay was granted subject to the condition, that the petitioner remits a sum of Rs.1,21,416/-. This condition has been complied with by the petitioner.

4. Though elaborate counter affidavit has been filed justifying the impugned proceedings, this Court in the light of the submission made by the petitioner, this Court is not inclined to go into the merits of the case, as it would suffice the 1st respondent to consider the petitioner objection/representation. It is stated that the representations have been given on 06.07.2015 and 12.11.2015. However, there is no proof to show that these representations have been received by the 1st respondent.

5. In the light of the above, there will be a direction to the petitioner to submit a fresh representation along with a copy of this order to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and on such representation being submitted, the 1st respondent shall consider the same, after notice to the petitioner and pass orders on merits and in accordance with law, within a period of three weeks from the date on which representation is given.

6. In the light of the fact, the petitioner has already complied with the conditional order passed by this Court dated 17.11.2015, the electricity supply shall not be disconnected and shall abide by the orders to be passed by the 1st respondent in terms of the above direction.

7. Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Engineer/O&M/Town
Tamilnadu Electricity Board (TNEB)/TANGEDCO,
Chinna Salem

2. The Executive Engineer/O&M
Tamilnadu Electricity Board (TNEB)/TANGEDCO,
Kallajurichi

3.The Chairman
TNEB, TANGEDCO
800, Anna Salai,
Chennai-600 002

+ 1 cc to Mr.M.Varumkumar,Advocate, SR 10949

+ 1 cc to Government Pleader, High Court, Madras SR 10909

kji(co)
prk4/3

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