

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2016

Coram

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

Writ Petition No.7186 of 2015
and
M.P.No.1 of 2015

M.Mohamed Musthafa

...Petitioner

Vs.

1. The Assistant Engineer (O & M)
Semmancheri /CEDC/South/TNEB,
Tamil Nadu Generation & Distribution,
Corporation Ltd., (TANGEDCO)
Chennai - 600 119.
2. The Assistant Executive Engineer (O& M)
Siruseri,
Tamil Nadu Generation & Distribution,
Corporation Ltd., (TANGEDCO)
Chennai - 600 119.
3. The Executive Engineer (O& M)/IT Corridor
Tamil Nadu Generation & Distribution,
Corporation Ltd., (TANGEDCO)
Chennai - 600 119.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for records relating to the proceedings of the first respondent, dated 03.2014, made in Ka.No./U.Po./E& Pa/Se.Se/Ko. Thanikkai/2014, (received by the petitioner on 09.02.2015 only) and to quash the same.

For Petitioner : Mr.K.Rajasekaran

For Respondent : Mr.S.K.Rameshwar
Standing Counsel for TNEB

O R D E R

Heard Mr.K.Rajasekaran, the learned counsel appearing for the petitioner, and Mr.S.K.Rameshwar, learned Standing Counsel (for TNEB), appearing for the respondents.

2. The challenge in the present Writ Petition is to the demand notice issued by the first respondent, served on the petitioner, on 09.02.2015. By virtue of the impugned demand, the petitioner has been directed to pay a sum of Rs.1,41,759/-, stating to be arrears, pursuant to the Audit, which has been conducted.

3. The main ground on which, the petitioner challenges the impugned proceedings is by contending that the proceedings has been issued, in violation of principles of natural justice, as no show cause notice was issued to the petitioner, and the calculation sheet annexed to the impugned proceedings is vague as possible.

4. When the Writ Petition was entertained, order of interim stay was granted, which has been extended periodically, and it is in force as on date. On perusal of the impugned proceedings, it is evidently clear that the proceeding was not proceeded on by show cause notice, and therefore, it is in clear violation of principles of natural justice. That apart, the claim made against the petitioner, is based on an Audit Objection, and the petitioner has not been made known as to what formed the basis for such audit objection. The calculation sheet, which has been appended to the impugned proceedings, was in a tabulated form, and it very doubtful as to whether the petitioner/consumer could be in a position to decipher the details stated thereunder, in the absence of any enquiry conducted by the first respondent. Hence, on these technical grounds, the impugned proceedings deserves to be set aside.

5. Accordingly, the Writ Petition is allowed, the impugned order stands quashed, leaving it open to the first respondent to issue show cause notice and proceed further in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Assistant Engineer (O & M)
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Chennai - 600 119.
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Chennai - 600 119.
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Tamil Nadu Generation & Distribution,
Corporation Ltd., (TANGEDCO)
Chennai - 600 119

+1cc to Mr.K. Rajasekaran, Advocate, S.R.No.12047
+1cc to Mr.J.K. Rameshuwar, Advocate, S.R.No.11501

SR(CO)
EU(09/03/2016)

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सत्यमेव जयते

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