

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.37572 of 2016
& W.M.P.No.32195 of 2016

M/s.ATC Telecom Tower
Corporation Private Limited,
Represented by its Authorised Signatory -
Head Operations - Tamil Nadu Circle,
Celestial Point, No.45, 3rd Floor,
Damodaran Street, T.Nagar,
Chennai - 600 017. ... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai.
- 2.The Assistant Accounts Officer,
Revenue Branch,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Myladuthurai - 609 001.
- 3.The Assistant Electrical Engineer,
Operation and Maintenance (O&M),
West Town Division,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Myladuthurai - 609 001. .. 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 on the file of the third respondent herein pertaining to the demand letter dated 05.10.2016 bearing Ka.No.UMP/EP/N.M/Mailai/Ko./A.No./16 and quash the same.

For Petitioner : Mr.J.Ravikumar

For Respondents: Mr.P.Gunaraj
Standing Counsel for TANGEDCO

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner is having electricity service connection for its Telecom Tower at No.18A, Chinnakanaru Street, Myladuthurai. A demand of Rs.4,55,448/- was made by the second respondent on 06.01.2016. The petitioner challenged the order in W.P.No.6448 of 2016 after giving objection on 13.02.2016 and this Court directed the second respondent to consider the petitioner's objection dated 13.02.2016 after hearing the petitioner, within a period of three weeks from the date of receipt of a copy of the order and till such time, the payment shall not be insisted. Thereafter, without hearing the petitioner, the present impugned order is said to have been passed calling upon the petitioner to pay the balance amount of Rs.2,99,017/-.

3.Heard Mr.J.Ravikumar, learned counsel appearing for the petitioner and Mr.P.Gunaraj, learned Standing Counsel for TANGEDCO, who takes notice on behalf of the respondents.

4.It is seen that the earlier demand notice was already dealt with by this Court by order dated 22.03.2016 and the respondent was directed to give an opportunity to hear the petitioner and decide the same. A perusal of the impugned order would also reveal that there is no whisper with regard to affording of an opportunity to the petitioner and without complying the order passed by this Court mechanically the third respondent passed the present impugned order. Therefore, the impugned order is set aside and the matter is remitted back to the respondents, with a direction to them to pass orders, after affording an opportunity to the petitioner and also after considering the petitioner's objections already filed on 13.02.2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chairman,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai.
- 2.The Assistant Accounts Officer,
Revenue Branch,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Myladuthurai - 609 001.
- 3.The Assistant Electrical Engineer,
Operation and Maintenance (O&M),
West Town Division,
Tamilnadu Generation &
Distribution Corporation (TANGEDCO),
Myladuthurai - 609 001.

+1cc to M/S.J.Ravikumar, Advocate Sr.61515
+1cc to Mr.P.Gunaraj, Advocate Sr.61263

सत्यमेव जयते

W.P. No.37572 of 2016

nr[col]
srg 16/11/2016

WEB COPY