

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.39253 of 2016 and

WMP.No.33612 of 2016

S.Manoharan

[Petitioner]

Vs

- 1 The Assistant Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Limited (TNEB
South) Besant Nagar Chennai-90
- 2 The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited (TNEB South)
Besant Nagar Chennai-90

[Respondents]

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the second respondent vide Letter No. AEE/E&P/Besant Nagar/Kattu Va.May/A.No. 2937/16 dated 24.09.16 and to quash the same.

For Petitioner ... Mr.S.Vijayakumar

For Respondents .. Mr.S.K.Rameshuwar, SC

O R D E R

The petitioner is the owner of the property bearing Plot No.E.149, 6th Avenue, Besant Nagar, Chennai 90, which is having service connection No.213-013-945. He is running a hotel in the said premises from 2005. A III Phase power connection was allotted for running the hotel and the petitioner is also regularly paying the consumption charges. When things stand so, a notice dated 24.09.2016, was issued to the petitioner, calling upon him to pay a sum of Rs.3,13,461/- for the period March 2011 to March 2012, being the amount to be omitted to be calculated as consumption charges. Challenging the same, the petitioner has come before this Court.

2. When the matter is taken up for admission, Mr.S.K.Rameshuwar, learned Standing Counsel, who accepts notice on behalf of the respondent Electricity Board, would submit that the petitioner, in response to the impugned notice dated 24.09.2016, has given a reply on 28.10.2016 and the said reply was considered and a communication dated 08.11.2016 was sent to the petitioner by the 2nd respondent, stating that certain documents were not produced by the petitioner, resulting in rejection of his objection and hence the petitioner may be directed to submit those documents to the respondents.

3. This Court considered the submissions made by the learned counsel on either side and perused the materials available on record.

4. A perusal of the records stated above would show that no notice whatsoever was given before demanding the said amount of Rs.3,13,461/-, that too for the period from March 2011 to March 2012, after a lapse of four years. That apart, no reason has been given as to who the demand is sustainable and hence, this Court is of the view that the impugned order is liable to be set aside.

5. In view of the above, the impugned order dated 24.09.2016 is set aside. However, taking into consideration the reply given by the petitioner and the communication dated 08.11.2016 issued by the 2nd respondent, the petitioner is directed to give all the material details/documents to substantiate his claim as required by the respondents, within a period of two weeks from the date of receipt of a copy of this order and on such reception of the reply from the petitioner, the 2nd respondent is directed to pass appropriate orders within a period of four weeks thereafter. It goes without saying that since the original impugned notice is set aside, question of electricity disconnection to the petitioner's premises does not arise at this stage.

The writ petition is disposed of on the above terms. No costs. Connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

rg

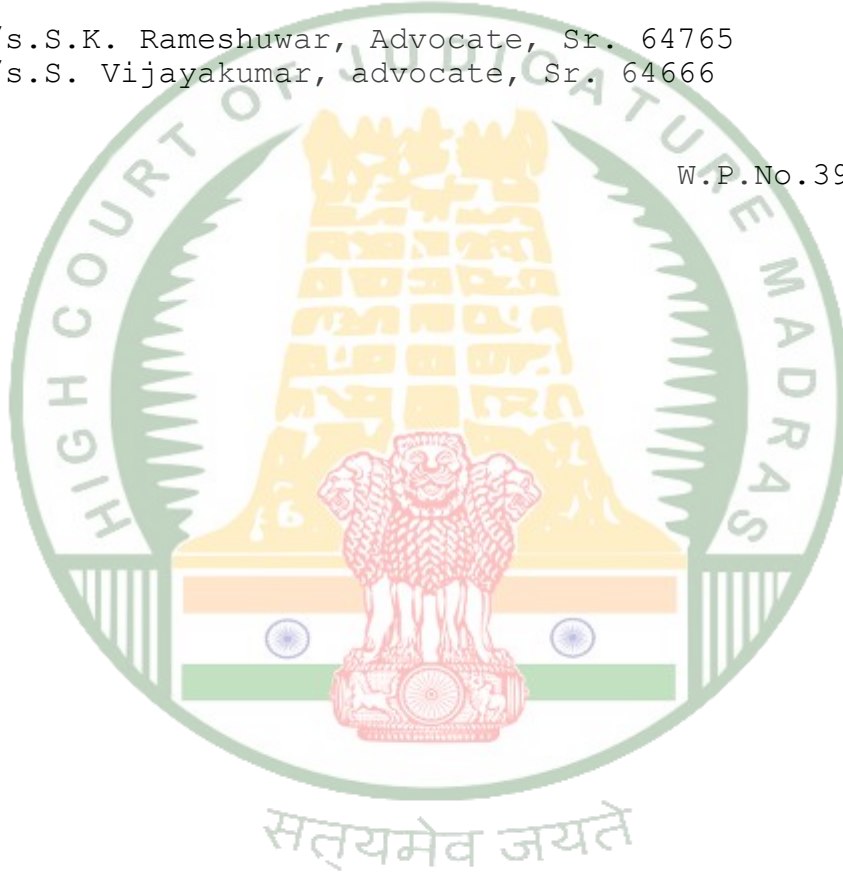
To

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- 2 The Assistant Engineer
Tamil Nadu Generation and Distribution
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Besant Nagar Chennai-90

1 cc to M/s.S.K. Rameshuwar, Advocate, Sr. 64765
1 cc to M/s.S. Vijayakumar, advocate, Sr. 64666

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