

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9538 of 2016 &

W.M.P.Nos.8568 and 8569 of 2016

M/s.Khivraj Motors Pvt. Ltd.,
Rep. by its Authorized Signatory, Mr.B.Girisha,
No.480, Anna Salai,
Nandanam, Chennai-35.
.. Petitioner

-Versus-

The Assistant Engineer, (Operation & Maintenance),
Tamil Nadu Generation & Distribution Company Ltd.,
Chennai Electricity Distribution Circle (Central),
CIT Nagar-II,
Chennai-600 035.
.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records relating to the impugned order Lr.No.AE/O&M/CIT-II-F Board Audit/No.54, Dt. 17.06.2015 demanding payment of a sum of Rs.6,55,245/- (Rupees Six Lakhs Fifty Five Thousand Two Hundred and Forty Five only) on the basis of the Board Audit Slip No.100, dated 11.06.2012 in service connections bearing account No.182-001-4015 in premises bearing door No.480, Anna Salai, Khivraj Complex, Nandanam, Chennai-35 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr.M.Venkatakkrishnan

For Respondent : Mr.P.R.Dhilipkumar
Standing Counsel

O R D E R

Heard Mr.M.Venkatakkrishnan, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel, accepting notice on behalf of respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition seeking for issuance of a Writ of Certiorari, to quash the proceedings of the respondent demanding payment in respect of a service connection granted to the petitioner on the basis of an audit objection which has been issued.

3. The learned counsel for the respondent submitted that as on date a total amount of Rs.6,55,245/- is due and payable by the petitioner. Further, it is brought to the notice of this Court that similar audit short fall arose in respect of other service connections viz., Service Connection Nos.182-001-411, 182-001-442 and 182-001-404 respectively and the same were challenged by the petitioner by filing Writ Petitions in W.P.Nos.33699, 33701 and 33700 of 2015 which was disposed of by an order dated 01.10.2015, directing the petitioner to deposit 50% of the demand and the same has been complied with by the petitioner.

4. From the documents placed in the typed-set of papers, it is seen that the respondent has informed the petitioner vide letter dated 29.02.2016, that the objection given by them has been forwarded to the higher authorities for appropriate action. In fact, the petitioner has submitted objections to the demand dated 17.06.2015, however due to the floods, the petitioner was not able to retrieve the said objections and therefore, sought for copies from the respondent themselves.

5. In the light of the stand that already action has been initiated to consider the petitioner's objections, there will be a direction to the petitioner to remit 50% of the impugned demand, within a period of three weeks from the date of receipt of a copy of this order and if the said amount is remitted, the Competent Authority, who is stated to be Additional Executive Engineer, shall take note of the petitioner's objections, verify the full facts and shall direct the petitioner to produce proof to show that the tenants have vacated on a particular date and after conducting enquiry, pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date on which, the petitioner remits the 50% of the impugned demand in terms of the above direction. If the petitioner fails to comply with the condition imposed in this order, within the time prescribed, the benefit of this order will not enure to the petitioner and the Writ Petition shall stand automatically dismissed, leaving it open to the respondent to enforce the impugned demand.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

rns

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Assistant Engineer, (Operation & Maintenance),
Tamil Nadu Generation & Distribution Company Ltd.,
Chennai Electricity Distribution Circle (Central),
CIT Nagar-II,
Chennai-600 035.

+ 1 cc to Mr.P.R.Dhilipkumar, Advocate Sr 16363

+ 1 cc to Mr.M.Venkatak Krishnan, Advocate Sr 16491

KR/28/3/16

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