



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.10041 of 2016

and

W.M.P. (MD) .No.7886 of 2016

T.Buvaneeswari

... Petitioner

Vs.

1.The Superintending Engineer,  
TANGEDCO, Dindigul District.

2.The Assistant Engineer,  
Rural West,  
Operation Maintenance,  
TANGEDCO, Natham 624 401,  
Dindigul District.

3.The Assistant Executive Engineer,  
Operation maintenance,  
TANGEDCO, Natham,  
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari by calling records relating to the proceedings of the 2nd respondent made in U.Mi.Po/Ki/Me/Natha/VaAa/Kel LTCT/2015-2016/A.No.-20 dated 26.03.2016 and the consequential proceedings of 3rd respondent made in U.Se.Po/E.Pe/Nath/VaAa/Ko.MaPo/A.No.116/16 dated 27.05.2016 and quash the same.

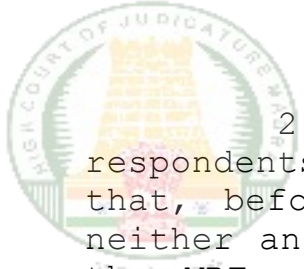
For petitioner : Mr.M.Sureshkumar

For respondents : Mrs.S.Srimathy

#### ORDER

Ms.T.Buvaneeswari, who is running a Crusher Unit in Senkulam Village, Natham, Dindigul District, has come before this Court challenging the impugned proceedings issued by the second and third respondents, by which, she was directed to pay a sum of Rs.11,88,830.90 on the ground that the power-consumption of the

<https://hcservicescourts.gov.in/hcservices/> under "B" phase was not properly recorded from July 2014 onwards.



2. Assailing the said impugned order issued by the respondents, the learned counsel for the petitioner, contended that, before issuing the order impugned in this Writ Petition, neither an opportunity of hearing was given to the petitioner nor the MRT report was served on her. He further contended that, admittedly, when the Assistant Engineer is recording the readings every month in respect of LTCT Supply, there is no scope at all for any mistake in the meter reading, as alleged by the respondent / Electricity Board. Due to advanced technology, now-a-days, details of power consumption and charges are informed even through mobile phone and similarly, the consumption charges are also paid on the basis of the SMS received from the Electricity Department. While so, on 21.03.2016, the Anti-Power Theft Squad, during their inspection of the petitioner's Unit, did not find any illegality in respect of the service connection and they arrived at a self-conclusion as if there was no proper recording of power-consumption in the Meter. Therefore, the respondents removed the Meter of the Unit and sent the same to the MRT Department of the TANGEDCO. Subsequently, the Electricity Department fixed a new Digital Meter after three days, namely, on 25.03.2016 and, in the interregnum period, there was no power-supply to the Crusher Unit. Later on, the respondents intimated, through their proceedings, that the Meter did not properly record the power-consumption in respect of the B-Phase from July, 2014, onwards and thus, the petitioner is made liable to pay the amount arrived at unilaterally by the respondent/Electricity Board. Therefore, he prayed this Court that the impugned order is liable to be set aside.

3. In reply, the learned Standing Counsel appearing for the respondents submitted that though the electricity consumption charges are supposed to be higher for the petitioner, due to non-functioning of the B-Phase, the amount was recorded low since 2014 onwards. The said fact came to light only during the course of inspection by the Squad. Accordingly, a proper calculation has been made, on the basis of which, the present impugned order came to be issued. Therefore, no interference is called for to quash the impugned order.

4. This Court is unable to find any justification in the submissions of the learned counsel for the respondents for the simple reason that it is an admitted fact that no Notice was ever issued to the petitioner before raising a demand through the impugned order. If it is the case of the respondents that B phase was not functioning from July 2014 onwards, proper enquiry should have been conducted in the presence of the petitioner and only thereafter, the respondents should have issued the demand notice, which they failed to do so in the case on hand. Therefore, instead of setting aside the order impugned in this Writ Petition, <https://hcservices.ecoqto.gov.in/hcservices/> directs the petitioner that she shall treat the impugned order as a 'Notice' and give her explanation to the respondents, within a period of three weeks from the date of



receipt of a copy of this order and, on receipt of the same, the respondents are directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks, thereafter.

Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Superintending Engineer,  
TANGEDCO, Dindigul District.

2.The Assistant Engineer,  
Rural West,  
Operation Maintenance,  
TANGEDCO, Natham 624 401,  
Dindigul District.

3.The Assistant Executive Engineer,  
Operation maintenance,  
TANGEDCO, Natham,  
Dindigul District.

+1cc to M/s.M.Suresh Kumar, Advocate SR.No.28830

sm:NGM-MP:20.06.2016:3P/5C

W.P (MD) .No.10041 of 2016

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