



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.24040 of 2016

and

W.M.P (MD) Nos.17338 to 17341 of 2016

T.Ramesh

... Petitioner

vs.

1)The Superintending Engineer,
Tamil Nadu Electricity Board,
Thoothukudi District.

2)The Assistant Engineer (Distribution),
TANGEDCO,
Padukkapathu,
Sathankulam Taluk,
Thoothukudi District-628 703.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order of the 2nd respondent in Ka.En:U.Po/V/Padakkapathu/A No.215/2016 dated 01.12.2016 and quash the same and directing the respondents to re-shift the Electricity connection from Commercial Tariff to Residential Tariff.

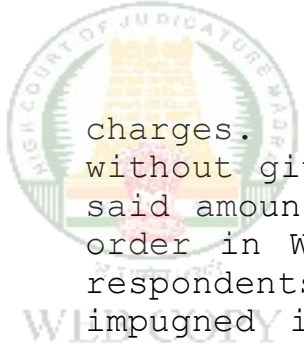
For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.A.U.Ramanathan

ORDER

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order of the 2nd respondent in Ka.En:U.Po/V/Padakkapathu/A No.215/2016, dated 01.12.2016, and quash the same and directing the respondents to re-shift the Electricity connection from Commercial Tariff to Residential Tariff.

2.The case of the petitioner is that he approached this Court earlier challenging the order dated 29.07.2016, wherein, the petitioner was asked to pay hefty sum, stating that the electricity consumption was on the higher side and that he should pay the amount of Rs.19,710/- towards re-assessment of electricity



charges. The petitioner challenged the same contending that without giving any opportunity to him, he was directed to pay the said amount within three days. This Court set aside the impugned order in W.P(MD)No.20402 of 2016 on 25.10.2016. Thereafter, the respondents have passed the order dated 01.12.2016, which is impugned in the present writ petition, wherein, the difference amount payable by the petitioner has been fixed as Rs.22,004/- and it is contended that again, the petitioner has not been heard and in complete violation of the earlier order of the Court, this impugned order has been passed. The factum that the petitioner was not heard before passing the present impugned order, is not disputed by the respondents.

3.It is further stated that when the construction was going on, at the request of the petitioner, the meter box was shifted from one room to another room and after construction was over, the petitioner has made a request to re-shift the meter to the original place, by a representation dated 25.11.2015, but till date, the meter has not been shifted. The petitioner has already paid necessary charges for shifting the meter to the original place from the existing one.

4.Be that as it may, in order to give a quietus to the issue and to give one more opportunity to the respondents, this Court directs that the impugned order dated 01.12.2016 shall be treated as a show cause notice and the petitioner shall appear before the 2nd respondent on 29.12.2016 and submit his explanation and after considering the same, a decision shall be taken by the respondents. The respondents shall consider the request of the petitioner and pass appropriate orders after hearing the petitioner on 29.12.2016. This Court makes it very clear that if the petitioner is unable to appear on 29.12.2016, it is open to him to make a representation to the respondents in writing and it shall be considered, as if, the petitioner was present on that date and orders shall be passed thereon, within a period of one month thereafter. Till a decision is taken by the respondents, the status-quo as on today shall be maintained by the respondents.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)Nos.17338 to 17341 of 2016 are closed.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.



To

1) The Superintending Engineer,
Tamil Nadu Electricity Board,
Thoothukudi District.

WEB COPY

2) The Assistant Engineer (Distribution),
TANGEDCO,
Padukkapathu,
Sathankulam Taluk,
Thoothukudi District-628 703.

+1CC to M/S.I.Robert Chandrakumar, Advocate, SR.No. 81364

W.P (MD) No.24040 of 2016
15.12.2016

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