



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2016
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24325 of 2016 and
W.M.P.(MD) No.17574 of 2016

M.Mangaiyarkarasi

... Petitioner

-vs-

1. The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Madurai Electricity Board, Head Office,
K.Pudur, Madurai-625 007.
 2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Chinthamani Electricity Distribution Circle/Metro,
Chinthamani, Madurai District.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari call for the records relating to the impugned letter No.Ka.No.UMiPo/Dist/Chin/Ko.Audit/A.No.205/16 dated 07.10.2016 of the 2nd respondent and quash the same.

For Petitioner : Mr.J.Ashok
For Respondents : Mrs.S.Srimathy

O R D E R

This petition has been filed, seeking to quash the impugned order dated 07.10.2016 passed by the 2nd respondent in No.Ka.No.UMiPo/Dist/Chin/Ko.Audit/A.No.205/16, by which, the petitioner was directed to pay a sum of Rs.1,86,880/- towards electricity consumption charges applicable to the Industry, based on the Audit Report. The said order is under challenge in this writ petition.

2. The case of the petitioner is that she had rented out her premises to one Prema for running an Industry in the name and style of "Sreenivasa Industry" and the said Prema has been paying electricity charges to the respondents herein; that she vacated the premises in the month of February, 2012 and there was no industrial activity in the premises thereafter; that the petitioner sent a representation dated 16.05.2012 to the 2nd respondent herein to permit her to pay the minimum electricity charges; however, the 2nd respondent directed her to pay the sum of



Rs.1,86,880/- on the basis of the Audit Report; that on 06.03.2015, the 2nd respondent directed the petitioner to produce Sales Tax returns to show that the premises had been vacated, for which, it was replied by the petitioner that the tenant who carried on the industrial activity did not pay any commercial tax and the petitioner at present let out the premises to one Courier Company, which is also not paying any sales tax; that despite the reply, the 2nd respondent insisted for payment of Rs.1,86,880/-, which compelled the petitioner to file the present writ petition.

3. Heard the learned counsel on either side.

4. It appears that no notice has been issued to the petitioner before passing the impugned order, which is the only ground for this Court to interfere with the impugned order. The petitioner shall consider the impugned order as that of notice and submit her explanation in writing within a period of fifteen days from the date of receipt of a copy of this order and also appear before the 1st respondent on 12.01.2017 with all relevant documents. It is made clear that if the petitioner fails to appear before the 1st respondent on the specified date or submit her explanation, it is open to the 1st respondent to pass appropriate orders on merits and in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Madurai Electricity Board, Head Office,
K.Pudur, Madurai-625 007.
2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Chinthamani Electricity Distribution Circle/Metro,
Chinthamani, Madurai District.

+1cc to M/s.S.Srimathy, Advocate Sr.No.83228

+1cc to Mr.J.Ashok, Advocate Sr.No.82995

W.P. (MD) No.24325 of 2016

22.12.2016