

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.9130 of 2017
and W.M.P.Nos.10054 and 10055 of 2017

R.Muthuswamy

...Petitioner

Vs.

The Assistant Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and
Distribution Corporation,
Thandalam - 602 105,
Kancheepuram District. ...Respondent

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ particularly in the nature of a writ of Certiorarified Mandamus, calling for the records in the impugned notice in Letter No.Uoo.Pho/Thandalam/Koppu Arikkaai/17 dated 06.04.2017 on the file of the respondent and quash and direct the respondent herein to determine electricity consumption charges payable with respect to the premises bearing No.7, APMS Nagar, Kuthapakkam Road, Sriperumbudur-602105, Kancheepuram District after giving reasonable opportunity of being heard.

For Petitioner : Mr.K.A.Ramakrishnan

For Respondent : Mr.S.K.Rameshwar

ORDER

This writ petition has been filed for issuance of a writ of Certiorarified Mandamus, calling for the records in the impugned notice in Letter No.Uoo.Pho/Thandalam/Koppu Arikkaai/17 dated 06.04.2017 on the file of the respondent and quash and direct the respondent herein to determine electricity consumption charges payable with respect to the premises bearing No.7, APMS Nagar, Kuthapakkam Road, Sriperumbudur-602105, Kancheepuram District after giving reasonable opportunity of being heard.

2.By the impugned order, a demand has been made against the petitioner based upon the audit report. As rightly submitted by

the learned counsel appearing for the petitioner, admittedly no notice was issued. The impugned order has got civil consequences inasmuch as the demand has been raised.

3. In such view of the matter, instead of setting aside the impugned order, the same may be treated as show cause notice. Consequently, the respondent is directed to furnish a copy of the audit report based upon which the impugned order is passed within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is at liberty to give reply by way of a representation within a period of four weeks. On receipt of the same, the respondent shall pass appropriate final orders. It is needless to state that till appropriate final order is passed, there cannot be any coercive steps to recover the amount mentioned in the impugned order and similarly, there cannot be any disconnection also.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

cse

To

The Assistant Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and
Distribution Corporation,
Thandalam - 602 105,
Kancheepuram District.

+1 cc to M/s.K.A.Ramakrishnan Advocate sr 22745

+1 cc to M/s.S.K.Rameshuwar Advocate sr 23128

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mp(co)
aa25/04/2017