

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.26748 of 2017

and

WMP.No.28483 of 2017

M/s.Vishnu Papers Products (P) Ltd.,
HTSC No.39

S.F.No.179/3A & 3B, 180/2A&2B
Semangalam Village, Vanur Taluk
Villupuram - 605 602.

Represented by its Authorized Signatory
S.Loganathan

... Petitioner

vs.

1. The Tamil Nadu Electricity Regulatory
Commission repd. by its Secretary
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road)
Egmore, Chennai-600 008.

2. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.

3. The Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.

4. The Superintending Engineer
Villupuram Electricity Distribution Circle
TANGEDCO, Villupuram. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in his No.SE/VEDC/VPM/AO/Rev./RCS/A1/F.BOAB/D.208 /2017 dated

03.08.2017 issued by the 4th respondent quash the same as illegal, arbitrary, without the authority of law and against the Circular memo dated 03.02.2016 issued by the 3rd respondent and Section 56(2) of the Electricity Act, 2003.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents: Mr.Varunkumar
standing counsel

O R D E R

Mr.Varunkumar, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved by the proceedings of the fourth respondent dated 03.08.2017 wherein the petitioner was called upon to make the payment of the total short fall amount of Rs.9,18,847/- immediately.

3. The learned counsel for the petitioner submitted that the said short fall amount arrived by the fourth respondent is based on Audit report and when the petitioner has given their reply in detail on 22.08.2014 and 24.10.2016, on receipt of the notice from the authorities, the same were not considered and on the other hand, the present impugned order is passed as a non-speaking order, by simply stating that the reasons stated by the petitioner are not accepted.

4. The learned counsel for the respondents submitted that the impugned order was passed based on the Audit report and also by considering the reply submitted by the petitioner.

5. Heard both sides.

6. A perusal of the impugned order would undoubtedly show and indicate that two reply letters given by the petitioner on 22.08.2014 and 24.10.2016 were rejected simply by stating that the reasons stated therein are not acceptable. Needless to say that such single line finding on those replies cannot be a speaking order. Therefore, I am of the view that the matter has to go back to the fourth respondent once again for re-considering the whole issue afresh by passing a speaking order. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the fourth respondent to pass a speaking order, within a period of four weeks from the date of receipt of a copy of this

order. It is made clear that this Court, is not expressing any view on the merits of the claim made by the petitioner, as it is for the fourth respondent to consider and decide the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Secretary, Tamil Nadu Electricity Regulatory Commission 19-A, Rukmini Lakshmipathy Salai (Marshall's Road) Egmore, Chennai-600 008.
- 2.The Chairman Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai, Chennai-600 002.
- 3.The Director Finance Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai, Chennai-600 002.
- 4.The Superintending Engineer Villupuram Electricity Distribution Circle TANGEDCO, Villupuram.

+ 1 cc to MR. R.S. Pandiyaraj, Advocate SR.75923
+ 1 cc to Mr.Varunkumar, Advocate SR.73468

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NRJK(CO)
EU(13/11/2017)