

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.27268 of 2016

AMPA Housing Development, HTSC No.1791,
New No.1, Old No.82, Nelson Manickam Road,
Chennai-29. Represented by its Managing
Director Mr.Ampa Palaniappan ... Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory
Commission, Rep. by its Secretary,
19-A, Rukmini Lakshmipathi 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 Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.
4. The Director-Generation,
Tamil Nadu Generation
and Distribution Corporation Limited,
144, Anna Salai, Chennai-600 002.
5. The Financial Controller-Purchase-I,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.
6. The Superintending Engineer,
Chennai Electricity Distribution Circle/West,
TANGEDCO, Anna Nagar,
Chennai-600 040. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 6th respondent's impugned demand notice Lr.No.SE/CEDC/W/DFC/AS/HTSC.No.1791/D656/13 dated 19.07.2013, quash the same as illegal and contrary to the order passed by the first respondent in S.M.P.No.1 of 2014 dated 31.03.2016 and consequently, direct the respondent Board to give refund/adjustment of Rs.1,18,25,380/- collected from the petitioner.

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.P.R.Dhilipkumar

ORDER

The present writ petition has been filed by the petitioner challenging the order impugned, which has been passed placing sole reliance upon the Audit Report.

2. The learned counsel appearing for the petitioner would submit that though the amount has been paid under protest, the order impugned requires reconsideration, especially, in view of the decision taken by the Tamil Nadu Electricity Regulatory Commission dated 31.03.2016 in S.M.P.No.1 of 2014.

3. A perusal of the order impugned would show that neither an opportunity has been given to the petitioner nor any reason has been assigned. However, considering the facts of the case, the impugned order should be treated as show cause notice. Consequently, the sixth respondent is directed to give a copy of the Audit Note, which has been relied upon in the impugned order, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner shall give a detailed reply and while doing so, it is well open to the petitioner to rely upon the order passed by the Tamil Nadu Electricity Regulatory Commission. After receiving the reply, if any, the sixth respondent shall pass appropriate orders within a period six weeks thereafter. While passing the said order, it is made clear that the sixth respondent shall pass a speaking order by considering the reply of the petitioner.

4. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Secretary,
Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathi 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 Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
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and Distribution Corporation Limited,
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Corporation Limited, 144, Anna Salai,
Chennai-600 002.
6. The Superintending Engineer,
Chennai Electricity Distribution Circle/West,
TANGEDCO, Anna Nagar,
Chennai-600 040.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.20541

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.20521

ppa (co)
rmp (02/05/17)

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