

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.32199 of 2004
and
WPMP No.38995 of 2004

L.S.Kadirvel

... Petitioner

Vs.

Tamil Nadu Electricity Board,
rep. by its Assistant Engineer,
Operations and Maintenance,
Erode Electricity Distribution Circle,
Lakkapuram,
Erode-2.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings in the impugned order of the respondent in Ka.No.U.Mi.Po./E&PA/Lak/Ko-Thanikkai/D202A/04 dated 13.05.2004 and the consequential orders Ka.No.U.Po./E&PA/La/Ka. Thanikkai/No.452/04 dated 29.09.2004 and to quash the same as illegal and arbitrary for being against the principle of natural justice.

For Petitioner : Mr.A.Kumaraguru

For Respondent : Mr.Rameshwar,
Standing Counsel

O R D E R

The petitioner is a consumer of electricity from the respondent and regularly consuming and paying the tariff under Electricity Supply Card No.494/Lakkapuram/IIIA, served as low tension tariff. The petitioner is operating a power loom and he is rated by power connection under the Low Tension tariff. Based on the audit objection, the respondent sent a notice dated 13.05.2004 to the petitioner and demanded a sum of Rs.37,431/- to be paid within seven days from the date of receipt of the notice and subsequently, the respondent passed an order on 29.09.2004. Against which, this Writ Petition has been filed.

2.The respondent filed a counter stating that the amount due has been paid fully by the petitioner. The relevant portions of the counter affidavit are extracted below:

"13.....The respondent respectfully submits that the petitioner has paid the full short fall amount of Rs.37,341/-. Hence, the above Writ Petition become infructuous. Hence, it is just and necessary that this Hon'ble Court may be pleased to dismiss the above Writ Petition....."

The learned counsel for the petitioner did not dispute the same. Hence, I do not find anything survives for adjudication in this Writ Petition and the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mps

To

The Assistant Engineer,
Tamil Nadu Electricity Board,
Operations and Maintenance,
Erode Electricity Distribution Circle,
Lakkapuram, Erode-2.

+1cc to Mr.A.Kumaraguru, Advocate, S.R.No.63780

सत्यमेव जयते

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SS(CO)
CA(11/10/2017)

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