



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4730 of 2017

and

W.M.P.Nos.4955 and 4956 of 2017

G. Rajan

..Petitioner

Vs

1. The Executive Engineer,
Operation & Management,
TANGEDCO,
Anna Nagar,
Chennai.
2. The Superintending Engineer,
CEDC,
TANGEDCO,
Thirumangalam,
Chennai.
3. The Assistant Engineer,
Anna Nagar Region,
North,
TANGEDCO
Anna Nagar,
Chennai

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records Demand Notice in A.No.A.E/O&M/Annanagar/Div.21/A.E.849 dated 25.01.2017 on the file of the third respondent and grant such other relief deem fit.

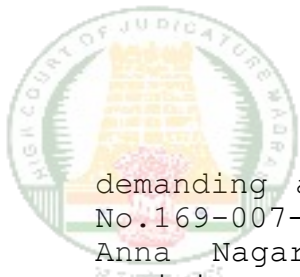
For Petitioner : Mr.R. Rajarajan

For Respondents : Mr.P.R. Dhilip Kumar
Standing Counsel for TNEB

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.R.Dhilip Kumar, learned Standing Counsel accepts notice on behalf of the respondents.

2. The petitioner was issued with advise slip dated 18.03.2014



demanding a sum of Rs.1,60,786/- in respect of service connection No.169-007-1033 for the premises at No.1664, 21st Main Road, Anna Nagar, Chennai-600040 and in response to the same, the petitioner submitted a detailed representation dated 12.05.2014 and it was also received by the office of the 2nd respondent on 13.05.2014. The petitioner, in his representation dated 30.06.2014 addressed to the 3rd respondent had also enclosed a xerox copy of the rental agreement dated 08.10.2007, Building contract receipt dated 09.02.2011 towards final payment of renovation charges and also stated that the above said documents would prove that the ground floor premises remained vacant between the period September 2009 and March 2011 and there is no excess consumption of electricity during the period of renovation. Therefore, he made a request to withdraw the advice slip dated 18.03.2014.

3. Learned counsel for the petitioner would submit that the petitioner was afforded with personal hearing and a sum of Rs.19,300.86 was also quantified and it was also paid vide Bill receipt No.PGCIDB68767132. It is the further submission of the learned counsel for the petitioner that however to shock and surprise of the petitioner, the 3rd respondent has issued the impugned demand notice calling upon the petitioner once again, to pay a sum of Rs.1,60,786/- and would further submit that the said proceedings came to be issued in a standardized format and a detailed response/explanations submitted by the petitioner dated 12.05.2014 and 30.06.2014 were not even referred to and therefore, prays for appropriate orders.

4. Per contra, learned standing counsel appearing for the respondents would contend that after affording an opportunity of personal hearing to the petitioner, a fair decision has been taken to sustain the demand of Rs.1,60,786/- and the petitioner is under mandate to pay the said sum and prays for dismissal of the writ petition.

5. This Court paid its best attention to the rival submissions and also perused the materials available on records.

6. The petitioner, in the form of representations dated 12.05.2014 and 30.06.2014 submitted to the 3rd respondent, cited the reasons for unsustainability of the claim of Rs.1,60,786/-. A perusal of the impugned order dated 25.01.2017 passed by the 3rd respondent would disclose that a standardized format has been used and not even the representations dated 12.05.2014 and 30.06.2014 submitted by the petitioner have been referred to.

6. In the considered opinion of the Court, the order of recovery visited the petitioner with grave civil consequences and in all fairness, the 3rd respondent has to take into consideration, the above cited explanation submitted by the petitioner but unfortunately, failed to do so. Hence, on the sole ground, the impugned warrants interference.

7. Therefore, the writ petition is partly allowed and the impugned order dated 25.01.2017 is set aside and the matter is remanded to the 3rd respondent and the 3rd respondent, shall take



into consideration, the representations of the petitioner dated 12.05.2014 and 30.06.2014 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The 3rd respondent shall also consider the request made by the petitioner for restoration of single phase power in respect of the ground floor premises. No costs. Consequently, connected miscellaneous petitions are closed.

vsi

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Executive Engineer,
Operation & Management,
TANGEDCO,
Anna Nagar,
Chennai.
2. The Superintending Engineer,
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Thirumangalam,
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3. The Assistant Engineer,
Anna Nagar Region,
North,
TANGEDCO
Anna Nagar,
Chennai

+1 CC to Mr.P.R. Dhilip Kumar Advocate SR.NO.12069

+1 CC to Mr.R. Rajarajan Advocate SR.NO.12229

W.P.No.4730 of 2017

MSM[CO]

MK:08/03/2017