



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.[MD].No.16428 of 2014

and

M.P(MD).Nos.1 of 2014 and 1 of 2015

K.Saravanan

: Petitioner

Vs.

1. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
North Thathaiyangar Pettai,
Trichy District 621 214.

2. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
North Thathaiyangar Pettai,
Trichy District 621 214.

3. The Divisional Engineer,
TNEB, Musiri Taluk, Trichy District. : Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in AEE Distribution க.எண்/இ.பி.ந/இ.கா/ஜெ.புரம்/கோ.கட்டு/அ.எண் 54/14, dated 28.07.2014 and quash the same as illegal, ultravires and unconstitutional and consequently direct the respondents to restore the power supply in service connection No.291-005-26/IV/101- Consumer No.06291005101 - Phase 1 of 442 - Metro Circle, 291-AE/O & M/Jambunathapuram, 005 - Ponnambalapatty Distribution, bearing No.101, at Kattukaruppankottam, Ponnambalapatti Electrical Distribution Circle, Thiruthalayur [PO].

For Petitioner

: Mr.S.Ramesh

For Respondents

: Mrs.S.Srimathy
Standing Counsel

**O R D E R***********

Challenge in this Writ Petition is to the order dated 28.07.2014, passed by the third respondent herein and for a consequential direction to the first respondent to restore the power supply in service connection Nos.291-005-26/IV/101- Consumer No.06291005101 - Phase 1 of 442 - Metro Circle, 291-AE/O & M/Jambunathapuram, 005 - Ponnambalapatty Distribution, bearing No.101, at Kattukaruppankottam, Ponnambalapatti Electrical Distribution Circle, Thiruthalayur Post.

2. The case of the petitioner is that the power supply was granted to his house, vide Service Connection No.291-005-26/IV/101- Consumer No.06291005101 - Phase 1 of 442 - Metro Circle, 291-AE/O & M/Jambunathapuram, 005 - Ponnambalapatty Distribution, bearing No.101, at Kattukaruppankottam, Ponnambalapatti Electrical Distribution Circle, Thiruthalayur Taluk. However, suddenly, the power supply was disconnected. On enquiry, the petitioner came to know that he was levied with consumption charges to the tune of Rs.2,29,115/- and it was made it clear that if the petitioner failed to pay the said amount, the power supply will be disconnected. The petitioner is, therefore, before this Court with this Writ Petition, challenging the said order.

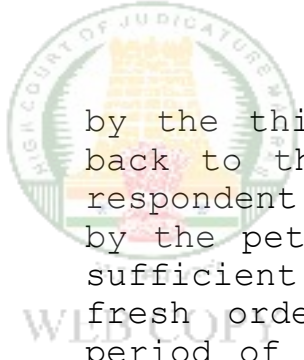
3. The learned counsel appearing for the petitioner would submit that the petitioner came to know that one Mr.S.Pooraiakkalan, S/o.Sevugan, who belongs to Ponnambalampatti, was issued with some inspection report on 18.06.2014 and was served with notice under Form IX under Regulation 23(A)(8) under the name and style "Provisional Assessment Order in respect of theft of energy. However, the petitioner was not at all issued with any show cause notice. Thus, the learned counsel for the petitioner would submit that without giving an opportunity of personal hearing, the impugned order came to be passed and therefore, it has to be set aside.

4. I have considered the above submissions made by the learned counsel appearing for the petitioner, I have also heard the learned Standing Counsel appearing for the respondents in answer to the submission made by the learned counsel for the petitioner and I have also perused the materials available on record carefully.

5. A cursory reading of the impugned order would go a long way to show that before passing the same, no opportunity of personal hearing was given and no notice was issued. Thus, on the sole ground of violation of principles of natural justice, the impugned order has to be set aside.

<https://hcservices.ecourts.gov.in/hcportal/>

6. In the result, the impugned order dated 28.07.2014 passed



by the third respondent is set aside and the matter is remitted back to the third respondent for fresh consideration. The third respondent is directed to consider the explanation to be offered by the petitioner properly, give notice to the petitioner, afford sufficient opportunity of personal hearing and thereafter, pass fresh orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
North Thathaiyangar Pettai,
Trichy District 621 214.
2. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation Limited,
North Thathaiyangar Pettai,
Trichy District 621 214.
3. The Divisional Engineer,
TNEB, Musiri Taluk, Trichy District.

NB

AE/KK/SAR2/30.01.2018/3P/4C

**ORDER MADE IN
W.P. [MD] .No.16428 of 2014
14.12.2017**