

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.1193 of 2018
and
W.M.P.No.1495 of 2018

S.Ramanujam

... Petitioner

vs.

1. The Chairman,
Tamilnadu Generation and
Distribution Corporation Ltd.,
No.144, Anna salai,
Chennai - 600 002.

2. The Assistant Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
No.37, Medavakkam Tank Salai,
Kilpauk,
Chennai - 600 010

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records from the 2nd respondent pertaining to the impugned order bearing Lr.No.AE/O&M/Purasai/NW.Div./Dues/A.No.-287/2017 dated 19.12.2017 relating to Consumer No.148-015-271 and quash the same.

For Petitioner : Mr.B.Christ Das

For Respondents : Mr.P.R.Dilipkumar,

Standing Counsel for R1 & R2

WEB COPY
O R D E R

Mr.P.R.Dilipkumar, learned Standing counsel takes notice for the respondents. By consent of the parties, the writ petition is taken up for final disposal.

2. The petitioner is aggrieved against the impugned demand notice dated 19.12.2017 calling upon the petitioner to pay a sum

of Rs.1,92,174/- claiming to be the arrears of electricity charges payable for the period between April, 2009 to April, 2012 in respect of Service Connection No.148-015-271.

3. The main contention raised by the petitioner before this Court is that when the petitioner has paid all the electricity charges, the impugned demand is issued without there being any details or particulars as to how such quantum of Rs.1,92,174/- has been arrived at, that too, for the period from April, 2009, to April, 2012. Therefore, it is contended that the petitioner is not in a position to defend the said demand, more particularly, when the said demand was made without issuing any prior notice to the petitioner as well.

4. Learned counsel for the respondents fairly submitted that the impugned demand was issued without giving any material details or particulars and therefore, the respondents will once again issue a fresh demand with material details and particulars. Thus, he submitted that the matter may be remitted back to the second respondent for passing a fresh order.

5. Considering the above stated facts and circumstances and also considering the fact that the impugned demand was issued without furnishing any material details or particulars as to how the quantum was arrived at by the second respondent, this Court is of the view that the matter has to be remitted back to the second respondent for passing a fresh order, that too, after giving notice to the petitioner. Accordingly, the writ petition is allowed and the impugned order is set aside. The matter is remitted back to the second respondent for passing a fresh order on merits and in accordance with law by furnishing all the particulars/details. Before passing such order, the petitioner should be put on notice and only after getting his explanation, the second respondent will pass such order thereafter. The whole exercise shall be done by the second respondent within a period of eight 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 contentions raised by the respective parties in respect of the impugned demand. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

vsi

To

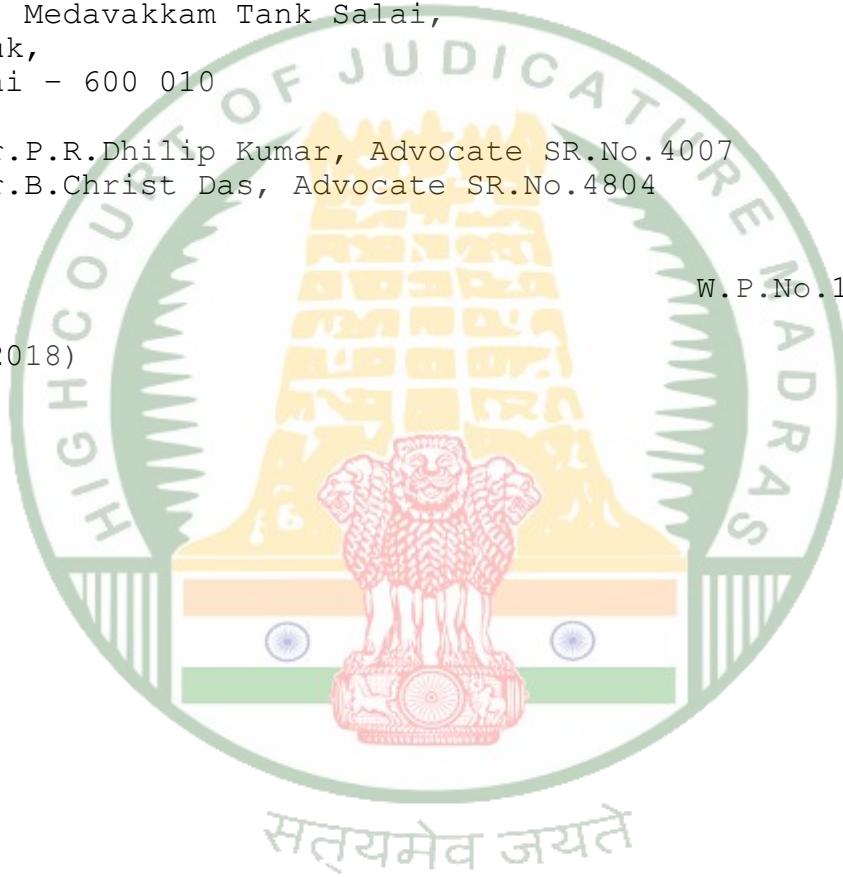
1. The Chairman,
Tamilnadu Generation and
Distribution Corporation Ltd.,
No.144, Anna salai,
Chennai - 600 002.

2. The Assistant Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
No.37, Medavakkam Tank Salai,
Kilpauk,
Chennai - 600 010

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.4007
+1cc to Mr.B.Christ Das, Advocate SR.No.4804

W.P.No.1193 of 2018

GN(01/02/2018)



WEB COPY