

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

WP.No.1430 of 2018
and
WMP.Nos.1813 & 1814 of 2018

Samual Johnson
S/o.I.A.Selvaraj

... Petitioner

Vs.

1. The Chairman
TANGEDCO
No.800, Anna Salai,
Chennai-600 002.
2. The Chief Engineer (Commercial)
CEDC / West
Tamil Nadu Electricity Board
No.800, Anna Salai,
Chennai-600 002.
3. The Executive Engineer Ambathur Range
CEDC / West
TANGEDCO
Ambathur, Chennai-600 053.
4. The Assistant Executive Engineer Ambathur Range,
Operation & Maintenance
CEDC / West
TANGEDCO, Ambathur,
Chennai-600 053.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorarified Mandamus, to call for the records on the file of 4th respondent in connection to that TANGEDCO Consumer No.435-126-213 pending balance amount to the tune of Rs.1,28,161/- during period from 09/2016 to 01/2017 in KA.EN.E.MI.PO/E.PA/Thiruvengada Nagar/KO.Revenue/07/ dated 09.01.2018 and to quash the same as arbitrary, illegal, unconstitutional and against the principles of natural justice and consequently, direct the 4th respondent not to disconnect the above referred in TANGEDCO Consumer No.435-126-213 on the file of 4th respondent and directing the 4th respondent to refund the illegally collected amount of Rs.49,731/- for the unused units of 7035 on the month from February 2017 to March

2017 as in electronic meter reading was showing the same in No.135968 on the month of December 2016 to January 2017 in TANGEDCO Consumer No.435-126-213.

For Petitioner : Mr.G.Dakshinamurthy
For Respondents: Mr.P.R.Dilipkumar
standing counsel

O R D E R

Mr.P.R.Dilipkumar, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the impugned demand dated 09.01.2018, wherein and whereby he was called upon to pay a sum of Rs.1,28,161/- being the electricity charges payable for the period from September 2016 to January 2017.

3. It is the contention of the learned counsel for the petitioner that before passing the impugned order, the petitioner was not put on notice, apart from the fact that the impugned demand also does not indicate as to how the above said quantum of Rs.1,28,161/- was arrived at with facts of the figures. Therefore, it is contended by the learned counsel for the petitioner that the impugned demand is passed in violation of principles of natural justice, apart from the fact that the same is bereft of material particulars.

4. The learned standing counsel for the respondents fairly conceded that the impugned proceedings can be set aside and the matter may be remitted back to the fourth respondent for considering the issue afresh and pass a fresh order / demand, after hearing the petitioner.

5. Considering the above stated facts and circumstances and considering the fact that the impugned demand was passed without affording an opportunity of hearing to the petitioner and also without furnishing any material facts to show as to how such quantum of Rs.1,28,161/- was arrived at, this Court is of the view that the same cannot be sustained in the eye of law. Accordingly, this writ petition is allowed and the impugned demand is set aside. Consequently, the matter is remitted back to the fourth respondent to issue a fresh demand, after giving due opportunity of hearing to the petitioner. Such exercise shall be done by the fourth respondent, within a period of six 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 claim made by the petitioner against the impugned

demand, since this writ petition is disposed of, only on the above stated reasons and circumstances and not on merits of the matter. Till an order is passed by the fourth respondent as stated supra, no coercive steps for disconnecting the power supply shall be made. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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+1 cc to Mr.P.R.Dhilip kumar Advocate sr 5358

Writ Petition No.1430 of 2018

ad(co)
aa25/01/2018