

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16577 of 2018

S.Ramanujam

.. Petitioner

-vs-

1. The Chairman

Tamilnadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai
Chennai 600 002

2. Assistant Engineer

Tamilnadu Generation and Distribution
Corporation Ltd.,
O&M/Purasaiwakkam
CEDC/Central, Kilpauk
Chennai 600 010

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records from the respondents pertaining to the impugned order bearing Lr.No.AE/O&M/PWKM/F.Rev/D.180 dated 13.06.2018 relating to Consumer No.148-015-271, quash the same.

For Petitioner :: Mr.B.Christ Das

For Respondents:: Mr.P.R.Dhilipkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the correctness of the impugned order dated 13.6.2018 issued by the second respondent, pursuant to the direction issued by this Court vide order dated 19.1.2018 in W.P.No.1193 of 2018.

2. Learned counsel for the petitioner, assailing the impugned order, pleaded before this Court that the second respondent is not entitled to issue the impugned notice, since there has been a huge delay in making the demand for payment of Rs.1,92,174/- towards the electricity dues relating to the period April, 2009 to April, 2012. Continuing his arguments, it is stated that when the petitioner received a notice from the second respondent bearing Lr.No.AE/O&M/Purasai/

NW.Div./Dues/A.No.287/2017 dated 19.12.2017 demanding the aforementioned sum for the period April, 2009 to April, 2012, the same was challenged in W.P.No.1193 of 2018 and this Court has quashed the said notice by order dated 19.1.2018. Having suffered an order at the hands of this Court, once again the present impugned order ought not to have been issued.

3. This Court is unable to find any merit in the said contentions. The reason being that when the petitioner came to this Court raising various allegations, this Court, agreeing with only one point that no notice was given to the petitioner inviting him to submit his explanation and also taking note of the fact that he was not heard before passing the order impugned in W.P.No.1193 of 2018, directed the respondents to issue notice and only after getting his explanation, the second respondent should pass an order. Paragraph-3 of the said order also clearly shows that the order impugned therein was issued without there being any details or particulars as to how such a quantum of Rs.1,92,174/- was arrived at, that too, for the period from April, 2009 to April, 2012. Only in that context, the order impugned therein for not furnishing the details or particulars was quashed and the matter was remitted back to the second respondent for passing a fresh order after issuing notice to the petitioner inviting him to submit his explanation. Therefore, the contention made by the petitioner that the earlier demand notice dated 19.12.2017 was quashed by this Court on the ground of limitation, is wholly far from acceptance. In compliance of the direction issued by this Court, as mentioned above, directing the second respondent to issue notice, call for explanation and to pass a reasoned order, the second respondent had issued notice to the petitioner calling for his explanation and on consideration of his explanation only, the present impugned order has been passed. Considering all these aspects, this Court finds no infirmity or error in the impugned order. Therefore, the writ petition fails and it is dismissed. Consequently, W.M.P.No.19750 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

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.,
O&M/Purasaiwakkam
CEDC/Central, Kilpauk
Chennai 600 010

+1cc to Mr.Christ Das, Advocate SR.No.43429

+1cc to MR.P.R.Dhilipkumar, Advocate Sr.No.43460

Sm:16.7.2018

W.P.No.16577 of 2018



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