

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33567 of 2018

S.Ravichandran

... Petitioner

..Vs..

1. The Chairman,
Tamil nadu Generation & Distribution
Corporation Limited,
N.P.K.R. Ramasamy Maligai,
144, Anna Salai, Chennai- 600 002.
2. The Superintending Engineer,
Operations & Maintenance,
TANGEDCO
B.Mutlur Section, Chidambaram,
Revenue Branch- Division
Cuddalore.
3. The Executive Engineer,
Operations & Maintenance,
TANGEDCO
Chidambaram

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the representation given by the petitioner dated 06.12.2018 and to follow due process and afford the petitioner a fair hearing in a fixed time frame fixed by this Court.

For Petitioner : M/s. Jerry V.V. Sundar

For Respondents : Mr.M.Varun Kumar
Standing Counsel for EB

O R D E R

The relief sought for in the present writ petition is to direct the second respondent and consider the representation given by the writ petitioner on 06.12.2018 and follow the due process and afford the petitioner a fair hearing in respect of his grievances.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner is running a business of aquatic farming for the past about 10 years. The writ petitioner is the sole proprietor of SDPS Aquatic Farm having administrative office at E-9, Anna Road, Block-24, Neyveli, 607 801 and the farm is being operated at Theethampalam Agaram.

3. The grievance of the petitioner is that he is punctually paying the electricity bill, as per the demand made, but, however, the petitioner received an SMS from the respondent Board whereunder an access demand is made over and above the consumption charges utilised by the writ petitioner.

4. The said message was communicated to the writ petitioner on 01.12.2018 and the bill amount demanded is Rs.10,46,487/-. The grievance of the writ petitioner is that no show cause notice or opportunity was given to the writ petitioner even to submit his explanations/objections, in respect of such demand charges.

5. Thus, the petitioner is deprived of his right of opportunity and the principle of natural justice has been violated. In this regard, the petitioner has already submitted a representation on 06.12.2018 and the same is yet to be considered by the respondents.

6. This Court is of an opinion that in the event of change of tariff or any additional demand, the authorities competent have to provide an opportunity to the consumer enabling them to submit their explanations/objections, if any.

7. In this view of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 06.12.2018 and pass orders on merits, in accordance with law, within a period of four(4) weeks from the date of receipt of a copy of this order.

8. The writ petitioner is directed to enclose a copy of the representation and all other relevant documents, if any, along with the order passed in this writ petition. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ska/mrm

To

1. The Chairman,
Tamil nadu Generation & Distribution
Corporation Limited,
N.P.K.R. Ramasamy Maligai,
144, Anna Salai, Chennai- 600 002.
2. The Superintending Engineer,
Operations & Maintenance,
TANGEDCO
B.Mutlur Section, Chidambaram,
Revenue Branch- Division
Cuddalore.
3. The Executive Engineer,
Operations & Maintenance,
TANGEDCO
Chidambaram

+1cc to M/s. Jerry V.V. Sundar, Advocate sr.no.87144

+1cc to Mr.M.Varun Kumar, Advocate sr.no.87191

W.P.No.33567 of 2018

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nr 09/01/2019



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