



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **V. BHARATHIDASAN**

W.P. (MD) No.8975 of 2014

and

M.P. (MD) No.1 of 2014

WEB COPY

Suresh Kumar Agarwal

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
144, Annasalai,
Chennai-600 002.
2. Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Represented by the
Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram.
3. The Executive Engineer,
TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Paramakudi.
4. The Assistant Engineer (Distribution),
TANGEDCO,
Sikkal,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned proceedings of the 4th respondent in letter No.AE/D/SKL/F.Audit/D/No.37/14 dated 19.05.2014 and quash the same.

For Petitioner	: Mr.N.Dilip Kumar
For Respondents	: Mr.E.Venkateswar
	Standing counsel for TNEB
	for Mr.S.M.S.Johny Basha
	Standing counsel for TANGEDCO

ORDER

The writ petition has been filed challenging the notice issued by the 4th respondent directing the petitioner to pay the electricity consumption charges as agreed by him to pay in instalments.



2. According to the petitioner he has been provided with electricity service connection in industrial tariff in the year 2004. Due to some defect in the metre, the metre has been replaced by the authorities. Subsequently, the fourth respondent issued a demand notice dated 18.12.2016 demanding a sum of Rs.2,92,204/-. Challenging the above said demand notice issued by the fourth respondent the petitioner has filed the Writ Petition before this Court in W.P.(MD)No.996 of 2007 and this Court by an order dated 07.02.2007 had set aside the order on the ground of bereft of details. However, liberty was given to the respondent to initiate fresh proceedings and pass orders afresh in accordance with law. Subsequently, the respondent issued the present impugned notice dated 19.05.2014 stating that the petitioner has given an undertaking before the respondents and sought for time to pay the amount in instalments and directed to pay the arrears of amount as agreed by him otherwise the electricity service connection will be disconnected. Challenging the above said notice the present Writ Petition is filed by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents.

4. The learned counsel for the petitioner submitted that the petitioner never agreed to pay the amount in instalments and the fourth respondent said to have obtained a letter from one of his employees as if he has agreed to pay the amount in instalments. Based on the alleged undertaking given by his one of his employees, the present impugned notice has been issued. At earlier point of time this Court directed the respondents to conduct enquiry afresh and pass orders in accordance with law. But the respondents without doing so, straight away issued the demand notice directing the petitioner to pay the entire amount. The learned counsel for the respondent submitted that the fourth respondent is now willing conduct enquiry as per the orders passed by this Court and pass orders on merits and in accordance with law.

5. Considering the above submission, the impugned order passed by the fourth respondent is set aside and the matter is remanded to the fourth respondent to pass fresh orders, the fourth respondent is directed to conduct enquiry after issuing notice to the petitioner. On receipt of such notice the petitioner is at liberty to raise his objections, if he has any, and on filing such objections, the fourth respondent is directed to consider the same and pass 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. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, M.P.(MD) No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar

To

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TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Paramakudi.
4. The Assistant Engineer (Distribution),
TANGEDCO,
Sikkal,
Ramanathapuram District.

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.41223

TA

VB/JC/SAR1/25/01/2018/3P/6C

W.P(MD)No.8975 of 2014
09.01.2018