



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20617 of 2018 and
W.M.P.(MD) No.18372 of 2018

S.Veerasekaran

... Petitioner

vs.

1. The Executive Engineer(Operation and Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Aranthangi, Pudukkottai District.

2. The Assistant Executive Engineer(Rural),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Aranthangi, Pudukkottai District.

3. The Assistant Engineer(Operations and Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Kodikulam,
Avudayarkovil, Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus forbearing the respondents from anyway recovering the amount mentioned in audit objection namely 12,09,516/- through by any method including adding the said amount in the consumption charges of the petitioner service connection No.138-016-266 TF III B situated at Paraiyanenthal Village, Avudaiyarkovil Taluk, Pudukkottai District and consequently directing the second respondent to decide the appeal of the petitioner dated 18.09.2018.

For Petitioner : Mr.C.Jeganathan

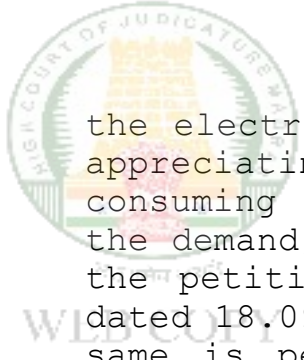
For Respondents: M/s.M.Rajeswar

for Mr.S.M.S.Johny Basha

O R D E R

The Writ Petition is filed challenging the demand notice issued by the third respondent dated 05.04.2018 towards electricity consumption charges for certain period.

2. According to the petitioner, the period for which the consumption charges has been levied, the petitioner did not use



the electricity at all and it was disconnected. However, without appreciating the factual aspects that the petitioner was not consuming the electricity for the period which is covered under the demand, the demand has been made. In the above circumstances, the petitioner has submitted an appeal to the second respondent dated 18.09.2018. The said appeal has not been disposed of and the same is pending. In the meanwhile, it appears that the third respondent is taking a coercive action in pursuant of the demand notice dated 05.04.2018. Therefore, the petitioner is before this Court.

3. Considering the fact that the appeal is pending before the second respondent dated 18.09.2018 and also the submission made on behalf of the petitioner before this Court, the second respondent is directed to dispose of the appeal on merits and in accordance with law and also provide an opportunity of personal hearing to the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, till the orders are passed in the appeal, the demand notice dated 05.04.2018 shall stand stayed.

4. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Executive Engineer(Operation and Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Aranthangi, Pudukkottai District.
2. The Assistant Executive Engineer(Rural),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Aranthangi, Pudukkottai District.
3. The Assistant Engineer(Operations and Maintenance),
Tamil Nadu Power Generation and Distribution Corporation,
TANGEDCO, Kodikulam,
Avudayarkovil, Pudukkottai District.

+ 1 CC TO M/s.VEERA ASSOCIATES, ADVOCATE IN SR No. 87532

SSL

TE/PM/SAR-4 : 12/10/2018 : 2P/5C

W.P. (MD) No.20617 of 2018
28.09.2018