

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23920 of 2008 &
MP No.1 of 2008

Supreme Plastics,
rep. by its Managing Director,
Dilip Kumar Chalani,
342, SIDCO Industrial Estate,
Ambattur,
Chennai

..Petitioner

Vs.

1.The Superintendent Engineer/West
CEDC/West Annanagar,
Chennai-40

2.The Divisional Engineer,
Tamil Nadu Electricity Board,
Annasalai, Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records in the demand notice Lr.No.SE/CEDC/W/DFC/AS/H.T./H.T.Sc.No. 1642/D.No.1004/08, dated 10.09.2008 and consequential letter issued by the first respondent in Lr.No.SE/CEDC/W/G1/AEE/AE.2/F Supreme Plastic/D.792/08 dated 22.09.2008 and quash the same as illegal, arbitrary.

For Petitioner .. Mr.K.S.Ramesh Kumar

For Respondents .. Mr.B.Gunaraj for R1

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records in the demand notice Lr.No.SE/CEDC/W/DFC/AS/H.T./H.T.Sc.No.1642/D.No.1004/08, dated 10.09.2008 and consequential letter issued by the first respondent in Lr.No.SE/CEDC/W/G1/AEE/AE.2/F Supreme Plastic/D.792/08 dated 22.09.2008 and quash the same as illegal, arbitrary.

2. It appears that the petitioner Company is carrying on business in the name and style of Supreme Plastics at No.342, SIDCO Industrial Estate, Ambatur, Chennai. The petitioner was given electricity connection in No.CEDC/West HTSC No.1642 by the first respondent. During January 2008, the cable got damaged due to heavy rains and floods. Immediately, the petitioner complained to the respondents. The respondents inspected with their officials and replaced the cable and sealed the same with the respondent seal MRT.8. The petitioner further states that the respondents periodically inspected the premises and recorded the electricity consumption by mechanical process and issued bills for the electricity consumed. The petitioner paid all the bills as on date without default. It is further submitted that the officers attached to the respondent inspected the premises and the current transmission chamber. They found that there was no tampering of the meter or damage. However, the officer prepared Mahazarnama and obtained the petitioner's signature in the report. Though the petitioner was not aware of the contents, but as requested by the officers, the petitioner has signed wherever they have asked to sign. After obtaining the signatures, on 12.09.2008, the respondent Board issued a demand notice to the petitioner directing to pay short fall consumption charges from 25.01.2008-28.08.2008. Prior to the impugned order, no notice was served to the petitioner to call upon him to show cause for the alleged short fall. According to the petitioner, the respondent violated the principles of natural justice and further, no calculation memo was annexed along with the impugned order.

3. The learned counsel for the petitioner would submit that it is a clear case of violation of the principles of natural justice inasmuch as the respondents have not served any prior notice before issuing the impugned order. There must be show cause notice as per Regulation 11 of the Tamil Nadu Electricity Supply and Distribution Code and hence, it is a fit case for remitting the matter back to the first respondent for complying with the principles of natural justice.

4. Mr.P.Gunaraj, learned counsel for the first respondent has no objection if the matter is remitted back to the first respondent for consideration in the light of the submissions made on behalf of the petitioner.

5. In view of the above, I am inclined to set aside the impugned order passed by the first respondent in Lr.No.SE/CEDC/W/DFC/AS/ H.T./H.T.Sc.No.1642/D.No.1004/08, dated 10.09.2008 and consequential letter issued by him in Lr.No.SE/CEDC/W/G1/AEE/AE.2/F Supreme Plastic/D.792/08 dated 22.09.2008 respectively and the matter is remitted back to the first respondent for fresh consideration as per the provisions

of Regulation 11 of the Tamil Nadu Electricity Supply and Distribution Code forthwith.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

dn

To

1.The Superintendent Engineer/West
CEDC/West Annanagar,
Chennai-40

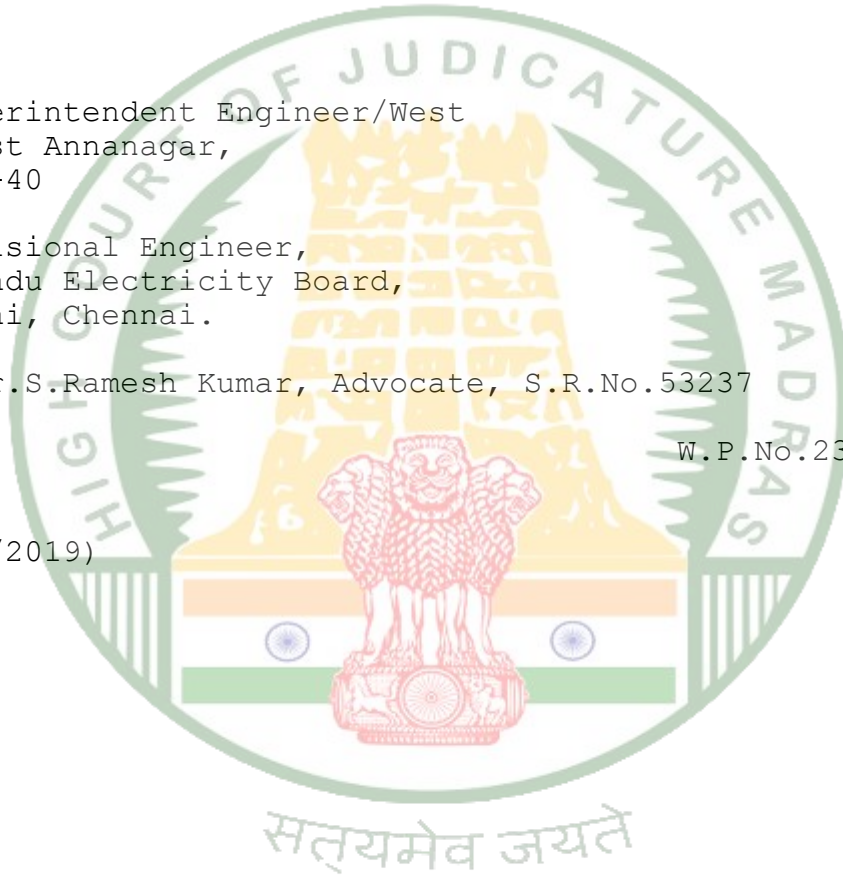
2.The Divisional Engineer,
Tamil Nadu Electricity Board,
Annasalai, Chennai.

+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.53237

W.P.No.23920 of 2008

AD(CO)

RRS (29/08/2019)



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