

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3937 of 2009

and

M.P.No. 1 of 2009

1. Mrs.Naseema Beevi,
 2. Mr.Shafiz Mohammad Shah,
 3. Mr.Zarook Syed Shah
 4. Mrs. Sithi Mariam
 5. Mrs.Kathijathu Nasreen
 6. Mrs.Zahira Shaw
-Petitioners

Vs.

- 1.The Assistant Executive Engineer
Operations and Maintenance,
Tamil Nadu Electricity Board,
College Road, CEDC/Central,
Chennai - 8.

2. The Executive Engineer,
Operations and Maintenance,
Tamil Nadu Electricity Board,
CEDC/Central, Mylapore,
No. 60, Gowdia Mutt Road,
Royapettah,
Chennai - 600 014.

3. The Superintending Engineer
Operations and Maintenance,
Tamil Nadu Electricity Board,
CEDC/Central, Mylapore,
No. 60, Gowdia Mutt Road,
Royapettah,
Chennai - 600 014.

4. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No. 800, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the Notice bearing Letter No.AEE/CRD/FRIS/0007 and dated 04.10.2008 issued by the First Respondent as also the Letter bearing Lr.No.AEE/CRD/FCB/Ris/09 dated 21.02.2009 issued by the First Respondent and to quash the same.

For Petitioners : Mr.S.M.Hameed Mohideen

For Respondents : Mr.P.R.Dhilipkumar
for EB

O R D E R

The petitioners have filed this Writ Petition, praying to issue a writ of Certiorari, to call for the records pertaining to the Notice bearing Lr.No.AEE/CRD/FRIS/0007 dated 04.10.2008 issued by the First Respondent and also the Letter bearing Lr.No.AEE/CRD/FCB/Ris/09 dated 21.02.2009 issued by the First Respondent and to quash the same.

2.The learned counsel appearing for the petitioners would submit that the petitioners have filed the writ petition challenging the Assessment Order passed by the original authority. The case of the petitioners is that they are the owners of the property in Paramount Plaza situated at 22/1, Nungambakkam High Road (now Uthamar Gandhi Road), Chennai - 34. Though initially the said property was handed over to them for three months as regards the fourth floor of the said premises on 01.11.2005, other floors namely, ground floor, mezzanine floor, I Floor are vacant and unoccupied from 28.10.2004 till date and the Fourth Floor was vacant and unoccupied from 01.02.2006 till June 2006.

3. The petitioner paid the electricity charges in the said premises periodically in accordance with rules with regard to the meter readings till 27.08.2008. However, the 1st respondent had sent a notice dated 04.10.2008 to the first Petitioner calling upon the petitioners to pay a sum of Rs.6,23,521/- since the Revenue Intelligence squad had inspected the College road section and they have levied a sum of Rs.6,23,521/- towards average short fall for the period from the First Half of the year 2004 till the Second Half of the Year 2007 due to meter defective. Immediately, the petitioner sent a reply letter dated 29.12.2008 to the Executive Engineer stating that the petitioners have made payment in accordance with the

meter reading. Subsequently, the first respondent again issued a letter dated 21.02.2009 to the first petitioner asking them to remit the short fall amount of Rs.4,98,521/- within seven days from the date of receipt of the said letter. Challenging the same, the present Writ Petition is filed.

4. The learned counsel appearing for the petitioners would submit that, without going into the merits of the case, the petitioner may be permitted to pay the actual amount of Rs. 4,98,521/- without belated payment charges and without penal interest, from 2008 onwards.

5. In view of the above submission, this Court is inclined to grant a liberty to the petitioners to pay the actual demand amount of Rs.4,98,521/- within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

kmm

To

1. The Assistant Executive Engineer
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Chennai - 8.

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Operations and Maintenance,
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4. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No. 800, Anna Salai,
Chennai - 600 002.

+1cc to Mr.S.M.Hameed Mohideen, Advocate SR.No.55715

+1cc to Mr.P.R.Dhilipkumar, Advocate SR.No.55836

W.P.No.3937 of 2009

EV(CO)
GMY(03/09/2019)



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