

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.33189, 32690 & 32691 of 2005
and W.P.M.P.Nos.35649, 35651 & 35652 of 2005

Meenakshi Ammal Dental College,
Rep.by its Principal,
Dr.P.Jayakumar,
Alapakkam Main Road,
Madhuravoyal,
Chennai-600 095. Petitioner in W.P.No.33189 of 2005

Meenakshi Ammal Educational Trust,
Rep.by its Founder Trustee,
Mrs.D.Meenakshi Ammal,
641, Dr.Ramasamy Road,
K.K.Nagar,
Chennai 600 078.Petitioner in W.P.Nos.32690 & 32691 of 2005

vs.

1. M/s.Tamil Nadu Electricity Board
Rep.by its Chairman,
Anna Salai,
Chennai 600 002.
2. The Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Anna Nagar Division,
Anna Nagar, Chennai 600 040.
3. The Assistant Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Mahuravoyal, Chennai. Respondents in all the W.Ps

PRAYER IN W.P.No.33189 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the third respondent comprised in the impugned order dated 13.10.2005 bearing No.AEE/Madhuravoyal/F.Audit/A.E.703/2005 and quash the same as being arbitrary and illegal.

PRAYER IN W.P.Nos.32690 & 32691 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the third respondent comprised in the impugned order dated 24.09.2005 bearing No.AEE/Madhuravoyal/F.Audit/Addl. Security Deposit/2005 and quash the same as being arbitrary.

For Petitioners: Mr.T.Meikandan
in all W.Ps

For Respondents : Mr.P.R. Dhilip Kumar

O R D E R

The prayer in W.P.No.33189 of 2005 for issuance of a Writ of Certiorari, calling for the records of the third respondent comprised in the impugned order dated 13.10.2005 bearing No.AEE/Madhuravoyal/F.Audit/A.E.703/2005 and quash the same as being arbitrary and illegal.

2. The Prayer in W.P.Nos.32690 & 32691 of 2005 for issuance of a Writ of Certiorari, calling for the records of the third respondent comprised in the impugned order dated 24.09.2005 bearing No.AEE/Madhuravoyal/F.Audit/Addl. Security Deposit/2005 and quash the same as being arbitrary.

3. The case of the petitioners are that the petitioner's college is run by Meenakshi Amman Educational Trust (petitioner in W.P.Nos.32690 & 32691 of 2005) which is one of the Premier Education Trust in the State and was established in the year 1984. The Trust is long established as a Premier Educational Institution in the varied fields such as Arts, Science, Engineering, Education, Medical, Dental etc., The Dental College run by the said trust has commenced in the year 1991 with hostels accommodating 500 students. The petitioners were availing for LT service connection in Account Nos:166:78:27, 166:55:482, 166:55:430 and Tariff IIB has been applied for the same. The said service connections were obtained in the names of Meenakshi Ammal Dental College and Meenakshi Ammal Educational Trust. The said service connections were availed independently for its various colleges and other facilities.

4. The petitioners further stated that the respondent board now sought to revise the tariff to LT Tariff-V, applicable to commercial category on the ground that electricity service connection provided to the petitioners is used for Private Hospital and the same should be charged under Tariff-V meant for commercial purpose and made a demand through their demand notice dated 13.10.2005 and 24.09.2005. Challenging the same, the

present writ petition is filed.

5. The learned counsel for the petitioners would submit that without verifying required details, the respondent board has issued a demand notice, which is illegal. The learned counsel further submitted that the respondent board by way of the impugned levy is seeking to classify the petitioner under the category which is wholly inapplicable to its activities as an educational institution and by treating the petitioner under the commercial category, the respondent is acting contrary to the tariff classification and causing great prejudice to the petitioner's charitable activities which have been recognized for more than 20 years in the field of education. This Court may to remand the matter back to the authority for fresh consideration.

6. The learned counsel for the respondents would submit that based on the audit short fall, the impugned order is passed against the petitioner to pay the commercial tariff.

7. A perusal of the impugned order clearly shows that based on the audit short fall, the respondent board passed an impugned order and directed the petitioner to pay the commercial tariff. But the respondent board has not issued any show cause notice to the petitioner before arriving at a conclusion. Hence, I am inclined to set aside the impugned orders passed by the third respondent dated 13.10.2005 bearing No.AEE/Madhuravoyal/F.Audit/A.E.703/2005 and 24.09.2005 bearing No.AEE/Madhuravoyal/F.Audit/Addl.Security Deposit/2005 are quashed, on the ground that the principles of natural justice has been violated.

8. Accordingly, the impugned order is set aside and this Court is not expressing any opinion in this case and remands the matter back to the authority for fresh consideration, who shall, after issuing a show cause notice to the petitioner, pass an appropriate order within a period of twelve weeks from the date of receipt of a copy of this Order.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssb

To

1. M/s.Tamil Nadu Electricity Board
Rep.by its Chairman,
Anna Salai,
Chennai 600 002.

2. The Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Anna Nagar Division,
Anna Nagar, Chennai 600 040.

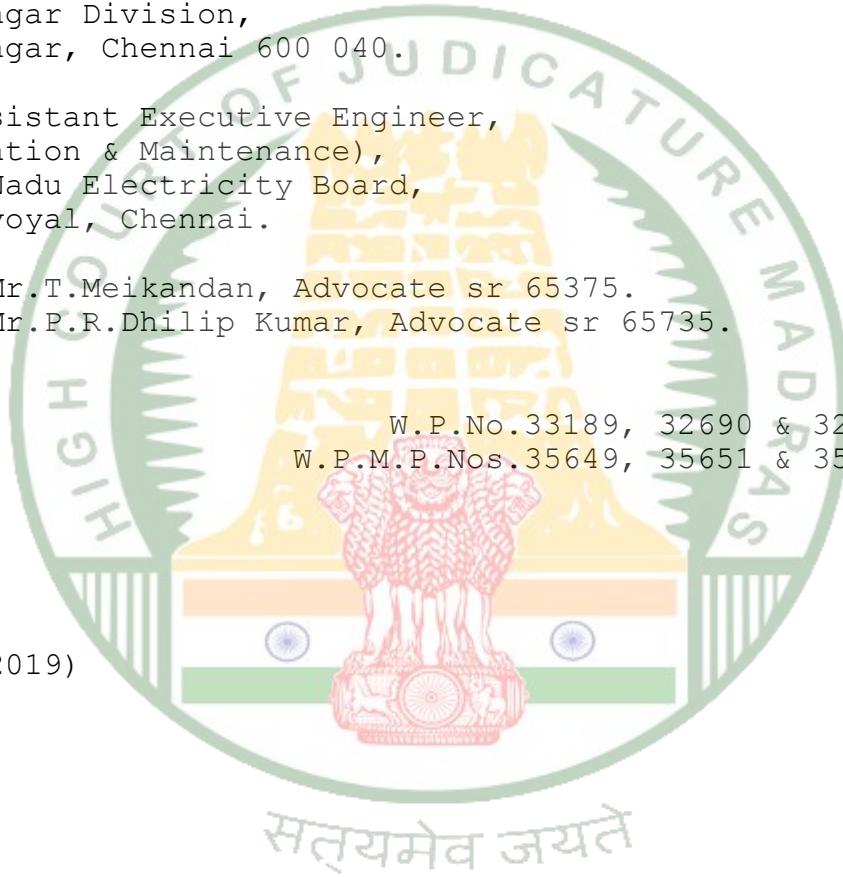
3. The Assistant Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Mahuravoyal, Chennai.

+1 CC to Mr.T.Meikandan, Advocate sr 65375.

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 65735.

W.P.No.33189, 32690 & 32691 of 2005
W.P.M.P.Nos.35649, 35651 & 35652 of 2005

NRL(CO)
SP(25/09/2019)



WEB COPY