

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4499 of 2019

Margaret Sheela
Proprietrix
M/s Carmel Hatchery
Fishcove Back
Kovalam 603 112
Kancheepuram District .. Petitioner

-vs-

The Junior Engineer (O & M)
TANGEDCO
Kovalam 603 112
Kancheepuram District .. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the respondent in respect of Bill dated 29.01.2019 in so far as it relates to levy of excess demand penalty to the tune of Rs.17,59,483.94/- and quash the same.

For Petitioner:: Mr.A.S.Baalaji

For Respondent:: Mr.S.K.Raameshuwar
Standing Counsel

ORDER

This writ petition is directed against the impugned proceedings dated 29.1.2019 issued by the Junior Engineer (O&M), TANGEDCO, Kovalam, Kancheepuram calling upon the petitioner to pay a sum of Rs.17,59,483.94/-, without issuing any prior notice and without giving any working sheet.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

3. Since the impugned order has been passed without giving any notice whatsoever and also without even furnishing any working sheet indicating as to how the respondent arrived at the amount sought to be demanded in the impugned order, this Court, without going to the merits of the matter, directs both the petitioner and the

respondent to treat the impugned order as a notice calling upon the petitioner to give her explanation. Needless to mention that the respondent shall also furnish a copy of the working sheet to the petitioner. On receipt of the same, the petitioner is granted two weeks time to submit the explanation/objection and thereafter, it is for the respondent to pass appropriate orders on merits. Till a final order is passed on the representation, if any, received by the respondent, the respondent shall not resort to the disconnection. However, the petitioner will continue to pay the current consumption charges regularly. With this observation and direction, the writ petition stands disposed of. Consequently, W.M.P.Nos.5080 & 5082 of 2019 are closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Junior Engineer (O & M)
TANGEDCO
Kovalam 603 112
Kancheepuram District

+1cc to Mr.A.S.Baalaji , Advocate SR.No. 15076

+1cc to Mr. S.K.Raameshuwar, Advocate SR.No. 14966

W.P.No.4499 of 2019

A.SK(20/02/2019)

सत्यमेव जयते

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