

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.23521 & 23524 of 2019
and
W.M.P.Nos.23324 & 23329 of 2019

D.Chitra

.. Petitioner
(in both W.Ps)

/versus/

1.The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Gandhi Nagar, Sembium,
Chennai - 600 011.

2.P.Uma Shankar

3.U.Jayanthi

.. Respondents
(in both W.Ps)

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in the impugned Demand Notice க.எண்.உ.பொ. இ & ஸ்/F shortfall / க.எண் /378, dated 23.07.2019, relating to Consumer Nos.028-030-68 & 028-030-67, bearing Door No.15/33, Krishnamoorthy Salai, Chennai - 600 118 and quash the same consequently directing the 1st respondent not to disconnect the Service Connection of the petitioner's house.

For petitioners : Mr.Poovanalingam N.

(in both W.Ps)

For Respondents: Mr.P.R.Dhilip Kumar for R1

(in both W.Ps)

Mr.Venkatakrisnan for R2 & R3

(in both W.Ps)

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Standing counsel for the TANGEDCO.

2. The petitioner herein is before this Court aggrieved by the demand notices issued by the TANGEDCO for a sum of Rs.1,06,635/- as due found by the audit payable between

March 2013 to July 2015 in respect of service connection 028-04-67 and Rs.1,74,111/- for a period July 2016 to June 2017 in respect of service connection 028-030-68. These demand notices have been issued on 23.07.2019 to U.Jayanthi, whose name the property and electricity service connection at present stands.

3. The case of the petitioner is that there is a title dispute between the petitioner and U.Jayanthi. The petitioner herein alleges that she is in possession and enjoyment of the property and all of a sudden the said demand notice has been issued by the TANGEDCO without any statement of accounts and reasoning for raising the demand after lapse of several years.

4. This Court, after hearing the learned counsels for the respective parties, is of the opinion that, the demand raised by the respondent based on the audit objection is without any details for the petitioner to defend. Hence, per se it has to be quashed for bereft of details.

5. Today, the learned Standing counsel for the TANGEDCO circulated the statement of calculation, but this statement of calculation not been accompanied along with the impugned notice. Hence, the impugned notices dated 23.07.2019 are hereby quashed. The respondent is at liberty to cause fresh notice along with the statement of accounts and after affording opportunity to the petitioner shall pass appropriate orders.

6. With the above directions, these writ petitions are disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl
To
The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Gandhi Nagar, Sembium,
Chennai - 600 011.

+2cc to Mr.G.Murali, Advocate SR.96427,96428
+1cc to Mr.PR.Dilipkumar, Advocate SR.96700

W.P.Nos.23521 & 23524 of 2019

LN(CO)
CB(07/01/2020)