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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.6.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NOS.6326 & 6327 of 2010
& MP.Nos.1,1,2 & 2 of 2010
(heard through video conferencing)

L.Mohanasundaram

...Petitioner in
WP.No.6326/10

S.Palanisamy

..Petitioner in
WP.No.6327/10

Vs

1.The Executive Engineer, Erode
Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Erode-9.

2.The Assistant Engineer (O&M),
Erode Electricity Distribution
Circle, Tamil Nadu Electricity
Board, Nasiyanur, Erode District.

...Respondents in
both WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorari to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.JEE/Ka.Pe/Nasiyanur/Ko.Tariff change/458/04 dated 27.2.2004 and the consequential orders passed by the 2nd respondent in his proceedings Nos.(i) AE/O&M/Nasiyanur/Ko.199 VPY/Va.No.454B/ 2010 and (ii) AE/O&M/Nasiyanur/Ko.65 VPY/Va.No.454A/2010 both dated 15.3.2010 and quash the same.

For Petitioners : Mr.C.Prakasam
For Respondents : Mr.N.Damodharan



COMMON ORDER

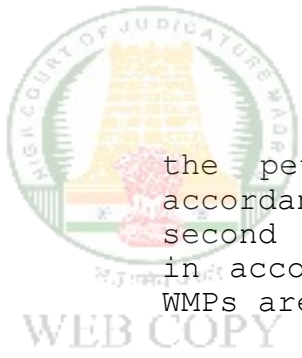
I have heard Mr.C.Prakasam, learned counsel for the petitioners and Mr.N.Damodharan, learned Standing Counsel appearing for the respondents. With consent of learned counsel on either side, the writ petitions are taken up for joint disposal. Since the issue involved in these writ petitions is one and the same, though the petitioners are different, the writ petitions are heard together and disposed of by this common order.

2. The impugned orders in both the writ petitions are intimations to the respective petitioners about the change of tariff from Tariff IV to Tariff V and demanding current consumption charges. The allegation against the petitioners is that they misused the agricultural connection for commercial purposes. The petitioners challenged the orders of conversion of tariff by filing civil suits in O.S.Nos.197 and 196 of 2004 on the file of the District Munsif Court, Erode and that the said suits were renumbered as O.S.Nos.1006 and 1005 of 2004 on the file of the First and the Second Additional District Munsif Courts, Erode respectively. However, the suits were withdrawn respectively on 17.4.2006 and 21.6.2006. Thereafter, the demands were issued in the year 2010.

3. At the time when the writ petitions were entertained on 29.3.2010, an interim order was granted and in the counter affidavits filed by the first respondent, it has been stated that the petitioners complied with the conditional order passed by this Court and paid the amounts. The question would be as to whether the petitioners had adequate opportunity to put forth their submissions before an order of conversion of tariff was passed.

4. It appears that there was an attempt to settle the matter and the cases were referred to Lok Adalat. However, the petitioners did not appear. Considering the fact that the petitioners complied with the conditions imposed by this Court while granting the interim order and taking note of the fact that the writ petitions have been pending for over 10 years, this Court deems it proper to remit the matter back to the second respondent to explore a possibility of one time settlement.

5. Accordingly, the writ petitions stand disposed of by directing the second respondent to issue a fresh show cause notice to the petitioners calling upon them to appear for an enquiry and after affording a full and effective opportunity to



the petitioners, take a fresh decision on merits and in accordance with law. When the petitioners appear before the second respondent, an attempt can be made to resolve the issue in accordance with law. No costs. Consequently, the connected WMPs are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To
1.The Executive Engineer, Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board, Erode-9.
2.The Assistant Engineer (O&M), Erode Electricity Distribution
Circle, Tamil Nadu Electricity Board, Nasiyanur, Erode
District.

WP.Nos.6326 & 6327 of 2010
&MP.Nos.1,1,2 and 2 of 2010

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