

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5758 of 2020
and W.M.P.Nos.6736 & 6738 of 2020

M.Vairavel

... Petitioner

Vs.

1.The Superintending Engineer (O & M),
TANGEDCO,
Namakkal Electricity Distribution Circle, (EDC),
Tiruchengode Road,
Namakkal.

2.The Executive Engineer (O & M),
TANGEDCO,
Suriyampalayam,
Tiruchengode Taluk,
Namakkal District.

3.The Assistant Executive Engineer (O & M),
TANGEDCO,
Tiruchengode North EDC,
Namakkal.

4.The Assistant Engineer (O & M),
TANGEDCO,
Tiruchengode North,
Weavers Colony, Tiruchengode,
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent impugned letter No.AE/O&MN/N.T.Code/F.AA No.033/19-20 dated 23.01.2020 and quash the same and directing the respondents to continue the tariff IIIA2 instead of IIIB to the petitioner's service connection No.181-004-867.

For Petitioner : Mr.S.Kolandasamy

For Respondents: Mr.Vijay Mehanathan

O R D E R

Heard Mr.S.Kolandasamy, learned counsel for the petitioner and Mr.Vijay Mehanathan, learned counsel for the respondents. With consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is aggrieved by a communication sent by the fourth respondent dated 23.01.2020, by which the petitioner has been called upon to pay a sum of Rs.31,507/-. Though the impugned communication appears to be a insane communication, the demand is based upon change of tariff, as per the account summary of the petitioner service connection as on 18.12.2019. The tariff under which the petitioner was charged is LA3A2. The petitioner submits that they paid the total bill of Rs.20,611/- dated 07.01.2020. It is, therefore, seen by the impugned communication that the petitioner has to pay a sum of Rs.31,507/- because there is a change of tariff from LA3A2 to LA3B and this amount represents the amount payable up to December 2019. If there is going to be a change of tariff, the petitioner should be put on notice and he should know under what grounds the respondents have charged the tariff. Without doing so, a demand could not been straight away sent by the fourth respondent. That apart, even earlier, the petitioner has given a representation on 22.10.2019. Considering all these factors, the impugned order has to be held to be in violation of the principles of natural justice and the same cannot be implemented.

3. In the result, the writ petition is allowed and the impugned order is hereby set aside. The matter is remanded back to the fourth respondent for fresh consideration. The fourth respondent is directed to issue show-cause notice and state as to why they proposed to change the tariff and the petitioner should be given minimum 15 days time to submit their reply. After considering the reply, the fourth respondent shall pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Superintending Engineer (O & M),
TANGEDCO,
Namakkal Electricity Distribution Circle, (EDC),
Tiruchengode Road,
Namakkal.

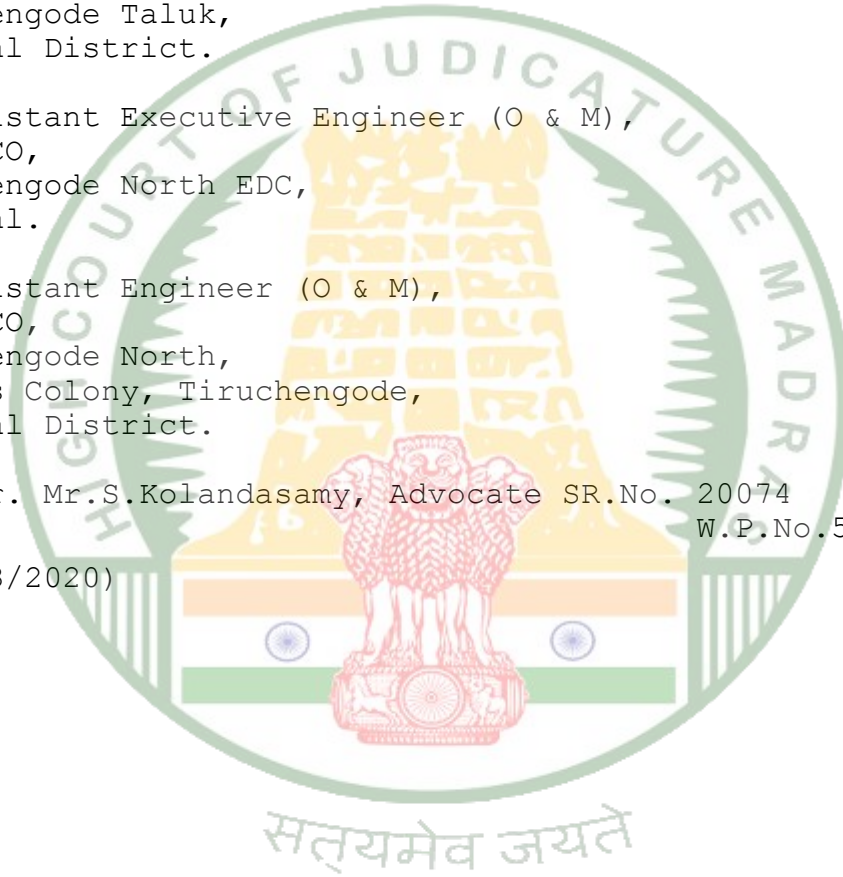
2.The Executive Engineer (O & M),
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3.The Assistant Executive Engineer (O & M),
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4.The Assistant Engineer (O & M),
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Tiruchengode North,
Weavers Colony, Tiruchengode,
Namakkal District.

+1cc to Mr. Mr.S.Kolandasamy, Advocate SR.No. 20074
W.P.No.5758 of 2020

A.SK(05/03/2020)



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