



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 3343 of 2015

and

M.P. No. 1 of 2015

L.Madhavan

.. Petitioner

Vs.

The Junior Engineer
Tamil Nadu Electricity Board
TANGEDCO, Rural North
Arakkonam, Vellore District.

.. Respondent

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the proceedings of the Respondent made in Letter No. Ka.No.E.Mi.Po./Uva./Arak/Ko.Mi.Ka./No.226/2011 dated 19.12.2011 and quash the same.

For Petitioner : Mr.S.Elamurugan

For Respondent : Mr.M.Varun Kumar

O R D E R

Heard Mr.S.Elamurugan, learned counsel for the petitioner and Mr.M.Varun Kumar, learned Standing Counsel for the Respondent.

2. The petitioner has filed this writ petition, challenging a demand notice issued by the respondent dated 19.12.2011 alleging that one of the three wires in the meter was found to be not connected, consequently, there is a reduced meter reading recorded as the petitioner may go the short fall. The petitioner's first ground to challenge is that no notice was issued to the petitioner and without affording any opportunity, the impugned order was passed. The respondent in the counter affidavit has taken a stand as if the impugned proceeding is a show cause notice. However, on reading of the same, it does not give such an impression, because it is a demand. On facts, the petitioner has raised certain contentions by contending that the respondent installed the meter on 24.09.2008, and in support of such contention a reliance has been placed on the white meter



card and further, at the time of installation the respondent has thoroughly checked the various connections. Therefore, the petitioner contends that raising a levy from 25.09.2008 cannot be accepted. Further, the petitioner contends that the report of M.R.T. during the inspection has not been furnished. The respondent in the counter affidavit has re-iterated the stand taken in the impugned proceeding.

3. Considering the fact that the petitioner did not have any opportunity to put up his contentions, which are factual, this Court is inclined to permit the petitioner to raise objections to the impugned proceeding, for which purpose, the impugned proceeding should be treated as a show cause notice.

4. In the light of the above, this writ petition is disposed of by directing the petitioner to treat the impugned proceeding as show cause notice and submit their objections, within a period of four(4) weeks from the date of receipt of a copy of this order. On receipt of such objections, the respondent is directed to afford an opportunity of personal hearing to the authorised representative of the petitioner and pass an order on merits and in accordance with law. Till such proceedings are completed and orders are passed, no action shall be taken against the petitioner for recovery of the amount demanded in the impugned proceeding. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

maya

To

The Junior Engineer
Tamil Nadu Electricity Board
TANGEDCO, Rural North
Arakkonam, Vellore District.

+1cc to Mr.S.Elamurugan, Advocate SR.No.19583

+1cc to Mr.M.Varun Kumar, Advocate SR.No.20294

W.P. No. 3343 of 2012

GMV(09/07/2020)