

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 16163 of 2017

C.M.Kamaraj

... Petitioner

Vs.

1. The Govt. of Tamil Nadu
Rep. By its Secretary
Electricity Department
Fort St. George
Chennai - 600 009.

2. The Chairman cum Managing Director
TANGEDCO (TNEB)
NPKRR Maaligai
144, Anna Salai
Chennai - 600 002.

3. The Executive Engineer (O&M)
TANGEDCO
Revenue Branch
Pollachi
Coimbatore District.

...Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Second Respondent to consider and dispose the pending appeal filed by the Petitioner, dated 27.05.2016, as eligible under Circular Memo No. CFC/R/FC/R/AS3/D.No.251/2016 dated 16.02.2016 for Electricity-Waiver of BPSC in respect of certain category documents.

For Petitioner :Dr.S.R.Kalyani

For Respondents :Mr.M.Vijay Mehanath
For Mr.N.Damodaran

ORDER

This writ petition has been filed to direct the second respondent to dispose of the appeal filed by the Petitioner dated 27.05.2016. The petitioner had filed another writ petition in the year 2012, viz., W.P.No.2805 of 2012. The prayer in the

writ petition was to issue a writ of certiorari to quash the demand notice dated 23.01.2012 issued by the second respondent in the said writ petition. The writ petition was disposed of by order dated 05.03.2020. The Court held that there is no error of jurisdiction on the part of the second respondent therein, who issued the demand notice. The only point, which was considered, was whether the petitioner can raise objection with regard to quantum. On this aspect alone, the Court had issued certain directions. Paragraphs 6 to 8 of the order is quoted herein below:-

" 6. The Court is satisfied with the explanation given in the above referred paragraphs and therefore, it is held that there is no error of jurisdiction on the part of the second respondent, who issued the impugned demand. The third and last issue that should be considered is whether the petitioner can raise any objection with regard to the quantum.

7. In the considered view of this Court, since there has been a long drawn civil litigation and all of a sudden the petitioner has been served with the demand notice for current consumption charges at the appropriate tariff rate from October, 1995, this Court deems it appropriate to grant one more opportunity to the petitioner to place any objection which is valid in the eye of law, and after the petitioner disputes the consumption of electricity, then they should be able to prove that such amount of energy was not consumed by them. In other respects, the petitioner has not raised any objection under which they have to be charged, which had already attained finality in S.A. No.1641 of 1998.

8. In the light of the above, the writ petition is disposed of by directing the petitioner to submit his objections within a period of two weeks from the date of receipt of a copy of this order. Only with regard to the quantum of consumption, which has been mentioned in the annexure to the impugned order, objections should be accompanied with proper document and if the same is accompanied with proper documents, then the second respondent shall consider the objections and pass an order on merits and in accordance with law. If the objections are found frivolous and untenable, it is well open to the second respondent to reject the same and proceed with the impugned order. Consequently, connected miscellaneous petition is closed. No costs."

2. In the light of the above direction, no orders are required in this writ petition as sought for and accordingly, the writ petition is closed, leaving it open to the petitioner

to work out his remedies in terms of the direction issued in
W.P. No. 2805 of 2012. No costs.

Sd/-

Assistant Registrar (CS)

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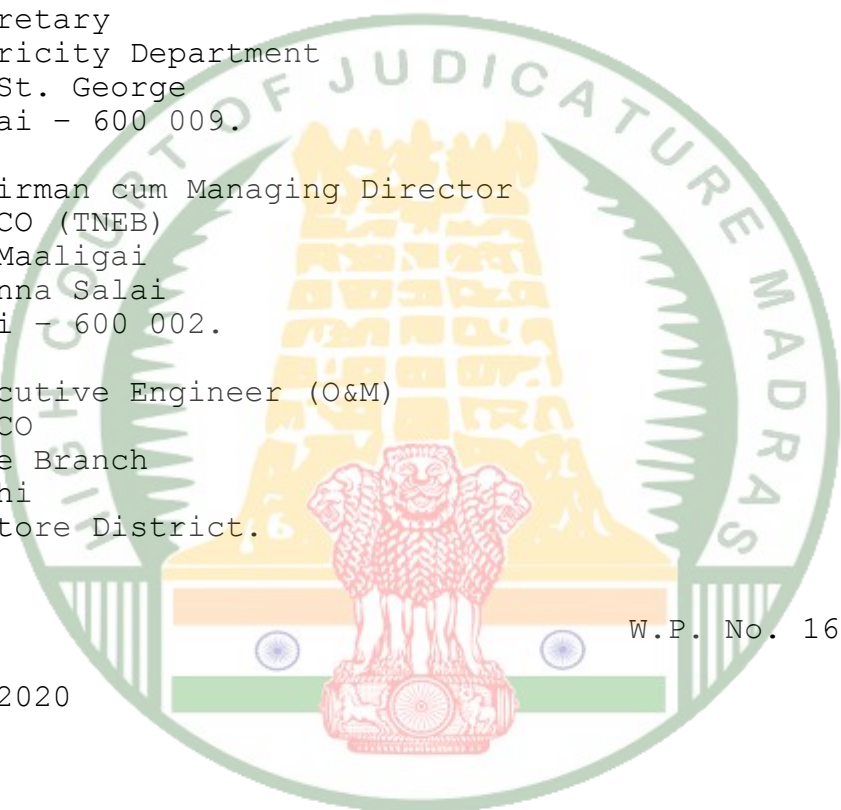
Sub Assistant Registrar

Maya
To

1. The Secretary
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Fort St. George
Chennai - 600 009.
2. The Chairman cum Managing Director
TANGEDCO (TNEB)
NPKRR Maaligai
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RSV CO
SDR 19/12/2020

W.P. No. 16163 of 2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is flanked by two green palm trees. The entire emblem is set against a white background with a green border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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