



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.31804 of 2012
and M.P.Nos.1 and 2 of 2012

K.Loganathan

.. Petitioner

vs.

1. The Executive Engineer/Orm,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai-600 040.
2. The Asst. Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Vanagaram, Chennai-600 095.
3. The Asst. Audit Officer,
A.P.III - Chennai North Region,
BOAB, TANGEDCO, Chennai.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the first respondent relating to the impugned order in Lr.No.EE/O&M/ANR/AAO/RB/AS/F.BOAB/D-1359/2012 dated 17.11.2012, quash the same demanding a sum of Rs.1,95,636/- from the petitioner under Electricity Connection No.405-001-114 & 405-001-462.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.P.R.Dhilip Kumar

Standing Counsel for TNEB

O R D E R

The challenge in this writ petition is to the order of the first respondent dated 17.11.2012, in and by which the petitioner was directed to pay a sum of Rs.1,95,636/-for the electricity service connection to the petitioner's premises in



No.405.001.114, as per audit short fall, failing which the electricity service connection will be disconnected without any further notice. The petitioner was earlier served with a demand notice dated 09.02.2012 requiring the petitioner to pay the aforesaid sum and it was put to challenge in W.P.No.12677 of 2012 and this Court vide order dated 27.04.2012, has set aside the impugned order of the second respondent on the ground that it was passed without any materials to support the demand and without giving opportunity to show cause and therefore granted liberty to the authority to proceed afresh by furnishing relevant materials to substantiate such claim.

2. In pursuant to the order of this Court, the first respondent has sent a communication to the petitioner dated 06.11.2012 wherein it has been stated that the petitioner has to pay the outstanding amount of Rs.1,95,636/- within 7 days failing which the electricity service connection will be disconnected on 14.11.2012 without any further notice. In the aforesaid notice dated 06.11.2012, it has been informed that the petitioner was already intimated vide communication dated 06.06.2012 to submit a fresh representation stating the grounds of appeal but even after a lapse of 4 months, the petitioner has not submitted any appeal. According to the petitioner, though this Court has passed order in W.P.No.12677 of 2012, specifically directing the respondents to show cause the petitioner with materials and to give opportunity of personal hearing, the petitioner did not receive any notice for enquiry nor to show cause for the shortfall in payment and however the impugned order dated 17.11.2012 came to be passed and therefore, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that the impugned order is liable to be set aside on the ground of violation of the principles of natural justice since the petitioner was neither called for enquiry nor any show cause notice was issued calling for explanation for the alleged demand in the impugned communication and the impugned order came to be passed contrary to the directions of this Court in W.P.No.12677 of 2012 and therefore, prays for interference.

4. Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondents, on instructions, would submit that the respondents have scrupulously complied with the directions of this Court in W.P.No.12677 of 2012 by serving a communication dated 06.06.2012 to the petitioner to submit a fresh representation stating the grounds to consider the appeal but the petitioner has not submitted any appeal even after four months and this was also reiterated in the subsequent communication of the respondent dated 6.11.2012 and since the petitioner had failed to respond to the above communications,



being made, the respondents Board shall consider afresh and pass orders on merits and in accordance with law within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Executive Engineer/Orm,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai-600 040.
2. The Asst. Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Vanagaram, Chennai-600 095.
3. The Asst. Audit Officer,
A.P.III - Chennai North Region,
BOAB, TANGEDCO, Chennai.

+lcc to M/S.P.R. Dhilip Kumar, Advocate, S.R.No.28929

W.P.No.31804 of 2012

VSN-II(CO)
PM(19/07/2021)