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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.1071 of 2015
and M.P.Nos.1 and 2 of 2015

D.Rajappa

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.

2. The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Electricity Board West,
Redhills, Chennai - 52.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order in Letter No.Oo.Po/Mi.Va/Chen-I/Ko.Ka/A286/14, dated 31.12.2014 passed by the second respondent and quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby to direct the respondents to rectify the mistakes occurred in meter reading of the petitioner's supermarket by namely D.R.Super Market, No.216, GNT Road, Redhills, Chennai - 52 in commercial service connection No.052:17:462 and enable the petitioner to pay the correct and true EB consumption charges for his premises.

For Petitioner : No appearance

For Respondents : M/s.L.Jai Venkatesh
Standing Counsel

O R D E R

The petitioner is a Consumer under the respondents. According to him, the meter readings recorded for his consumption for the period during May, July and September, 2014,



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were wrong and therefore, he made a complaint to the respondents. Thereafter, the respondents have taken a meter reading on 19.11.2014 and found that there was some mistake committed by the officials, which led to the reading culminated in demanding a sum of Rs.4,32,936/-.

2. The petitioner has challenged the demand by way of Writ Petition in W.P.No.31988 of 2014. This Court, by its order dated 05.12.2014, set aside the demand and directed the respondents to consider the representation of the petitioner on merits after issuing notice to the petitioner and after conducting an enquiry within a period of eight weeks. Again, the respondents have committed the very same mistake and passed the impugned order dated 31.12.2014 without giving any notice and opportunity of personal hearing as directed by this Court in W.P.No.31988 of 2014, dated 05.12.2014. The respondents have unilaterally reduced the demand from Rs.4,32,936/- to Rs.2,59,011/- and informed that the action has been taken against the Assessor, who had wrongly noted the meter readings. Further, a direction was given to the petitioner to deposit the entire sum of Rs.2,59,011/- within 7 days failing which the electricity service connection will be disconnected.

3. The impugned order on the face of it, is violative of the principles of natural justice and that in spite of giving specific direction, the petitioner was not served with notice before reducing the demand towards consumption charges. Therefore, the impugned order is liable to be set aside and accordingly, the same is set aside. However, it is open to the respondents to conduct an enquiry in conformity with the principles of natural justice and the earlier order of this Court dated 05.12.2014 in W.P.No.31988 of 2014.

The Writ Petition is ordered with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR



1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Electricity Board West,
Redhills, Chennai - 52.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.16810

W.P.No.1071 of 2015

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