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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/03/2022

C O R A M

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.NO.19043 OF 2010

&

M.P.NOS.1 & 2 OF 2010

Sri Venkatesa Mills Limited,
Regd Office at Palani Road,
Venkatesa Mills Post,
Udumalpet - 642 128.

... Petitioner

.Vs.

1. The Chairman,
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.

2. The Tamil Nadu Electricity
Regulatory Commission,
Rep. By its Secretary,
19 A, Rukmini Lakshmipathy Salai,
Marshall's Road, Egmore,
Chennai - 600 008.

3. The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Tirupur Road,
Udumalpet.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the third respondent culminating in the Bill dated 31/7/2010 issued for the month of July 2010 in respect of the petitioner's H.T.S.C.No.270, quash the same in so far as it relates to the demand of a sum of Rs.9,83,182.60 (Rs.8,82,296.80 towards excess energy and Rs.1,00,885.80 towards excess demand) levied towards extra levy charges for exceeding limits and direct the first and third respondents not to deduct from the Base Demand the quantum of energy purchased by the petitioner



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through Third Party sources while determining whether electricity consumption of the petitioner is within the quota fixed.

For Petitioner : Mr.N.L.Rajah

For Respondents : Mr.Abdul Kalam
Standing Counsel

O R D E R

This writ petition has been filed challenging the demand notice, dated 31/7/2010, issued by the third respondent.

2. Heard Mr.N.L.Rajah, learned counsel for the petitioner and Mr.Abdul Kalam, learned Standing Counsel for the respondents.

3. The petitioner challenges the demand notice on the ground that order came to be passed, in violation of the principles of natural justice. According to the petitioner, no opportunity was afforded to the petitioner and no show cause notice was issued before passing the impugned order.

4. The learned Standing Counsel submitted that the order has been passed in accordance with law

5. Perusal of the materials available on record would show that the petitioner was not given opportunity before passing the impugned order, so on this sole ground the order is set aside.

6. In the result, this writ petition is allowed and the matter is remanded back, third respondent shall pass orders afresh, after affording an opportunity to the petitioner, within a period of six weeks, from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs



To

1. The Chairman,
The Tamil Nadu Electricity Board,
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Chennai - 600 002.
2. The Secretary
The Tamil Nadu Electricity
Regulatory Commission
19 A, Rukmini Lakshmipathy Salai,
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W.P.NO.19043 OF 2010 AND
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KV(CO)
PBS/07/04/2022