



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11508 of 2022

and

W.M.P.No.11001 of 2022

M/s.Govindam Granite
Rep. by its Partner, Vikas Saraf,
No.710/2C, Pathakotta-Uddanapali Road,
Thuppuganapalli Panchayath,
Shoolagiri Taluka, Krishnagiri District.

...Petitioner

Versus

1. The Superintending Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District.
2. The Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District.
3. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Shoolagiri Village & Taluka,
Krishnagiri District.
4. The Divisional Engineer (O&M),
Tamil Nadu Electricity Board,
Shoolagiri Village & Taluka,
Krishnagiri District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the 3rd respondent relating to the impugned demand letter in Letter No.U.Me.Po/O&M/Nagar Shoolagiri/KO/A/No.213 dated 04.01.2022 as illegal and quash the same and consequently direct the respondents to adjust the consumption charges paid during the meter fault period in the forthcoming bills.



For Petitioner : Mr.G.M.Ananthakumar
For Respondents: Ms.Revathi
for Mr.L.Jaivenkatesh for TNEB

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ORDER

The petitioner has complied with the earlier direction issued by this Court on 19.05.2022 in WMP No.11001 of 2002 in WP No.11508 of 2022 by paying 50% of the demand amount of Rs.11,89,873/- as per the impugned demand notice dated 04.01.2022. The said payment was made on 17.05.2022 and 01.06.2022 i.e., on or before the deadline fixed by this Court by order dated 19.05.2022.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has challenged the impugned demand by raising the following grounds:

a) the impugned letter of the third respondent has been issued by total non-application of mind to the petitioner's representations dated 08.12.2020, 29.12.2020 and 05.12.2021;

b) the impugned letter has to be set aside as the demand pertains to the period of COVID-19 pandemic;

c) since no operations were permitted by the Government during COVID, no regular operations were carried out during that relevant point of time and during that period the impugned demand has been made;

d) in the event of faulty meter, the respondents ought to have sent the meter to the accredited laboratory to assess the faultiness in the meter and only based upon such report of the laboratory, the respondents can act further.

4. As seen from the impugned demand letter, the contentions of the petitioner as raised in this writ petition have not been considered by the third respondent and no opportunity of hearing has also been granted to the petitioner before issuing the impugned demand.

5. This Court is of the considered view that being a non-speaking order and the demand having been issued by violating the principles of natural justice, the impugned demand has to be



necessarily quashed and the matter remanded back to the third respondent for fresh consideration.

6. For the foregoing reasons, the impugned demand dated 04.01.2022 issued by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permit him to produce documentary evidence, if he so desires and the third respondent is directed to pass final orders within a period of six months from the date of receipt of a copy of this order.

7. In case, any adverse order is passed by the third respondent against the petitioner, no coercive action for disconnection of petitioner's electricity service connection shall be taken for a period of fifteen days from the date of passing of the order in order to enable the petitioner to challenge the said order, if he is so aggrieved, in the manner known to him under law.

8. Since the petitioner has paid 50% of the impugned demand amount without prejudice to his rights and contentions, in case, the petitioner succeeds before the third respondent, the said amount shall be adjusted in future bills to be raised by the third respondent.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Superintending Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District.
2. The Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District.



3. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Shoolagiri Village & Taluka,
Krishnagiri District.

4. The Divisional Engineer (O&M),
Tamil Nadu Electricity Board,
Shoolagiri Village & Taluka,
Krishnagiri District.

+lcc to Mr.G.M.Ananthakumar, Advocate, S.R.No.32407
+lcc to Mr.L.Jaivenkatesh, Advocate, S.R.No.33249

W.P. No.11508 of 2022

PMK[co]
NSK/16/06/2022