

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14802 of 2022

K.B.Gopalakannan

.. Petitioner

Vs.

The Assistant Engineer,
TANGEDCO (O&M) Limited,
New Housing Board,
Krishnagiri.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order of the respondent in Ref.No.U/Po/E & Pa/Tho.Pettai/Ki.Kri/Ko.Misue of TF/21-22 No.300 dated 18.03.2022 and quash the same as the same is arbitrary, illegal and non-est in the eyes of law.

For Petitioner : Mr.T.Arockia Dass

For Respondents : Mr.L.Jaivenkatesh,
TNEB

O R D E R

This Writ Petition has been filed challenging the impugned order dated 18.03.2022 passed by the respondent under which, the petitioner has been called upon to pay a sum of Rs.24,856/- as per commercial tariff in respect of the electricity consumption made by him.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. He contends that the subject property is used mainly for the purpose of petitioner's residence and an extent of only less than 200 sq.ft., is being used for his office. The petitioner is an Advocate by profession. According to the petitioner, the inspection dates mentioned in the impugned order are false. According to him, no notice was given to him by the respondent prior to the alleged inspection. The learned counsel for the

petitioner submits that the petitioner has also paid the impugned demand under protest though the petitioner is not liable to pay the same.

3. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. It is also denied by the petitioner that any inspection was carried out by the respondent prior to passing of the impugned order. He also categorically contends that the subject property is used by him mainly for the purpose of his residence and only an extent of less than 200 sq.ft., is being used for his office.

4. The learned counsel for the petitioner has also relied upon the decisions of the Hon'ble Supreme Court to substantiate the petitioner's case that the respondent cannot convert the domestic tariff into a commercial tariff when the petitioner is using part of the building only for his Advocate Office.

5. It is for the respondent to consider the documents as well as the decisions relied upon by the learned counsel for the petitioner on merits and in accordance with law, after affording a fair hearing to the petitioner including, granting him the right of personal hearing.

6. Since no opportunity of hearing has been granted to the petitioner, the impugned order has to be necessarily quashed and the matter will have to be remanded back to the 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.

7. For the foregoing reasons, the impugned order dated 18.03.2022 passed by the respondent, is quashed and the matter is remanded back to the 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. The respondent shall pass final order within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Sni

To

The Assistant Engineer,
TANGEDCO (O&M) Limited,
New Housing Board,
Krishnagiri.

+1cc to Mr.T.Arockia Das, Advocate, S.R.No.38126
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.39177

W.P.No.14802 of 2022

GSM(CO)
SB(11/07/2022)