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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.25286 of 2014 &
M.P.Nos.1 and 2 of 2014

P.Poochamy

... Petitioner

Vs.

The Assistant Engineer (O & M West),
TANGEDCO, Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Muthur, Tiruppur District - 638 105.

...Respondent

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the entire records relating to the impugned order passed by the respondent in his proceedings No.A.E/O&M/West/Muthur/Ko-No.107/2014, dated 10.09.2014 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.Abul Kalam
Standing Counsel

ORDER

This Writ Petition has been filed to issue Writ of Certiorari to quash the order of the respondent passed in his proceedings No.A.E/O&M/West/Muthur/Ko-No.107/2014, dated 10.09.2014.

2. The petitioner would claim that he is running a Coir Industry viz., Sri Ragavendra Coir Factory and he obtained service connection in S.C.No.097-003-999 and is paying consumption charges regularly. According to the petitioner, in the month of December 2012, the meter got repaired and the same was informed to the respondent by a written complaint. On receipt, the officials of the respondent have also inspected and found out that there was a defect in manufacturing and changed the new meter. At that time, he was directed to pay Rs.42,732/- and he paid the amount to avoid disconnection. Again a demand



was made to pay Rs.92,312/-. Hence, he filed a Writ Petition in W.P.No.7158 of 2013 and this Court set aside the order and remanded the matter back, vide order dated 25.03.2013 to provide an opportunity to the petitioner.

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3. The learned counsel appearing for the petitioner Mr.C.Prakasam would state that the impugned order has been passed without complying the directions issued in the earlier order. It is the submission of the learned counsel that the impugned order was also passed in violation of principles of natural justice.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent and perused the materials available on record.

5. Perusal of the records shows that the similar demand made in the year 2013 was set aside by this Court in W.P.No.7158 of 2013 and the matter was remitted back to the respondent to pass order afresh, after providing opportunity to the petitioner. Though the order passed in the Writ Petition has been mentioned in the impugned order, but nothing is available on record to show that an opportunity was afforded to the petitioner.

6. The learned Standing Counsel appearing for the respondent has filed a report stating that the petitioner has paid Rs.25,584/- on 07.03.2015 and the balance sum of Rs.69,234/- was paid on 04.05.2015. Considering the fact that the respondent has not complied with the direction issued in the Writ Petition in W.P.No.7158 of 2013, dated 25.03.2013, the order impugned in this Writ Petition is set aside. The respondent is hereby directed to return the amount received from the petitioner along with interest at the rate of 7.5% per annum from the date of receipt till the date of payment. The said amount shall be paid within a period of four weeks.

7. Accordingly, the Writ Petition is allowed. There is no order as to costs. Consequently, connected M.Ps' are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

r n s



To

The Assistant Engineer (O & M West),
TANGEDCO, Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Muthur, Tiruppur District - 638 105.

W.P.No.25286 of 2014 &
M.P.Nos.1 and 2 of 2014

GPL (CO)
SB (30/05/2022)