



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.27860 of 2019

and

W.M.P.No.27425 of 2019

M/s. Daejung Moparts Pvt. Ltd.,
Rep. by its Senior Manager (Maintenance)
Mr. K. Shanmuga Sundaram
having its office at
Plot No. 6, Sengundaram Industrial Estate,
Melrosapuram, Singaperumal Koil,
Kancheepuram District

...Petitioner

Vs

1.The Secretary to Government,
Electricity Department,
Fort St.George,
Chennai 600009.

2.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 600002.

3.The Superintending Engineering,
TANGEDCO,
Chengalpattu,
Kancheepuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondents Proceedings No.SE/TANGEDCO/CGL/DFC/AO/REV/AAO-HT/AS/HT.SC. No.435// D/318/19 dated 09.08.2019 and quash the same and consequently direct the Respondents to permit the petitioner to pay the regular charges of the electricity consumption utilized by them.

For Petitioner : M.D.Padmanabhan

For Respondent R1 : Ms.Vadivelu Deenadayalan,
Additional Government Pleader

For Respondents R2 & R3 : Ms.Keerthana Shenoi
For Mr.L.Jai Venkatesh
Standing Counsel



O R D E R

Heard Mr.Padmanadhan, learned counsel for the petitioner, Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for R-1 and Ms.Keerthana Shenoi learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel for R-2 and R-3.

2. The challenge in this writ petition is laid against the order passed by the Superintending Engineer, arrayed as R-3, who by proceedings dated 09.08.2019, has called upon the petitioner to show cause why the shortfall in assessment for the billing period 12/2018 to 06/2019 not been corrected and an additional demand raised towards consumption charges for the aforesaid period.

3. The petitioner has responded on 06.09.2019 to show cause notice dated 09.08.2019, received by it on 29.08.2019. The alleged shortfall is explained by the learned Standing Counsel for R-2 and R-3, as attributable to a change in multiplication factor upon the installation of new meter in premises of the petitioner. Though the earlier multiplication factor stood enhanced upon change in meter, an erroneous multiplication factor had been applied when the meter was changed, leading to a short fall in assessment.

4. Be that as it may, the impugned proceedings is only a show cause notice specifically stating that the petitioner may seek clarification in regard to any of the doubts arising from the impugned proceedings. The petitioner has also filed a response immediately upon receipt of the notice. There is thus no justification at all for the writ petition to have been filed and it is thus for the petitioner to pursue the explanation filed by it, and the third respondent to consider the explanation and pass orders pursuant to the impugned show cause notice dated 09.08.2019, within a period of six (6) weeks from today, after hearing the petitioner and in accordance with law.

5. This Writ Petition is dismissed, as is the connected Writ Miscellaneous Petition. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jeni/Svn



To

1.The Secretary to Government,
Electricity Department,
Fort St.George,
Chennai 600009.

2.The Chairman
TANGEDCO
Anna Salai
Chennai 600002.

3.The Superintending Engineering
TANGEDCO
Chengalpattu
Kancheepuram District.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.13976

+1cc to Mr.D.Padmanaban, Advocate, S.R.No.13697

+1cc to the Government Pleader, S.R.No.14672

W.P.No.27860 of 2019

GPL (CO)
RN(04/04/2022)