



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15222 of 2017

and

W.M.P. Nos. 16514 & 16515 of 2017

V.T.P.Sivanandam,
S/o. V.T.Paulraj,
Proprietor,
M/s. M & N Diary Foods,
205, E.H. Road, Cholan Nagar,
Vyasarpadi, Chennai-39.

... Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO, 791, Anna Salai,
Chennai-2.

2. The Superintending Engineer,
CEDC, Chennai North,
TANGEDCO, 791, Anna Salai,
Electricity Avenue,
Chennai-2.

3. The Assistant Executive Engineer,
O & M, TANGEDCO,
Vyasarpadi, Chennai-600 039.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the provisional assessment order passed by the third respondent dated 03.06.2017, and to quash the same as illegal and without jurisdiction and consequently direct the respondents to refix the tariff for the electricity service connection in the premises of M/s.M & N Diary Foods having its place of business at 205, E.H. Road, Cholan Nagar, Vyasarpadi, Chennai-39.

For Petitioner	:	Mr.V.Raghavachari
For Respondents	:	Mr.Jaivenkatesh, Standing Counsel for R1 to R3



O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the provisional assessment order passed by the 3rd respondent dated 03.06.2017 and consequently direct the respondents to refix the tariff for the electricity service connection.

2. Mr.V.Raghavachari, learned counsel appearing for petitioner would content that, the petitioner deals with diary and agricultural products and paying consumption charges assessed industrial tariff. While being so, in the absence of petitioner, the respondents said to have conducted inspection without issuing any notice to him and changed the tariff into commercial, and issued provisional assessment order directing the petitioner to pay a sum of Rs.5,97,220/-. According to the petitioner, the above provisional assessment order of the 3rd respondent is totally illegal and without following the procedures contemplated under the Electricity Act.

3. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

4. It is only provisional assessment order issued by the 3rd respondent. If at all, the petitioner has any grievance over the order passed by the 3rd respondent, it very well open to the petitioner to approach the 3rd respondent to raise his objections and based on that, final assessment order will be passed. The petitioner cannot challenge the provisional assessment order, and this Writ Petition is not maintainable.

5. Considering the facts and circumstances of the case, the petitioner is directed to raise his objections before the 3rd respondent within a period of four weeks from the date of receipt of copy of this order. On filing such objections, the 3rd respondent is directed to conduct enquiry and pass final assessment order after giving personal hearing to the petitioner within a period of four weeks thereafter on merits. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The Chairman cum Managing Director,
TANGEDCO,
791, Anna Salai,
Chennai-2.

2. The Superintending Engineer,
CEDC, Chennai North,
TANGEDCO, 791, Anna Salai,
Electricity Avenue,
Chennai-2.

3. The Assistant Executive Engineer,
O & M, TANGEDCO,
Vyasarpadi,
Chennai-600 039.

+1cc to Mr.V.Raghavachari, Advocate SR.No.9709

W.P.No.15222 of 2017

EV(CO)
GN(18/03/2022)