

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13769 of 2013

and

M.P(MD)No.1 of 2013

Vijay Spinners, HT SC No.223

Represented by M.K.Suresh

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road),
Egmore, Chennai-600 008.

2.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Represented by its Director,
144, Anna Salai, Chennai-600 002.

3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the third respondent in his Notice Lr.No. SE/VDR/DFC/AO/R/RCS/AS/A.6/F.HT.SC.NO.223 (Audit) D.No. /13 dated 21.06.2013 levy of penalty for exceeding demand quota during

evening peak hour for the month of 11/2011 quash the same as illegal, arbitrary , violation of principle of natural justice.

For Petitioner : Mr.R.M.Loganathan
for Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the third respondent herein, under which a demand for a sum of Rs.2,60,372/- (Rupees Two Lakhs Sixty Thousand Three Hundred and Seventy Two only) has been raised towards excess charges for exceeded demand during peak hour on the CMRI data based upon an Audit Slip No.4, dated 07.02.2013.

2. From the impugned order, it is clear that based on audit objection, the present order has been passed without issuing any notice to the writ petitioner. The order impugned in the writ petition is set aside. The third respondent is directed to hear the matter afresh and pass orders after giving due opportunity to the writ petitioner, including personal hearing and pass orders thereafter within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2022

Index : Yes / No
Internet : Yes / No

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To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road),
Egmore, Chennai-600 008.
- 2.The Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

W.P(MD)No.13769 of 2013

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.13769 of 2013

Dated:
20.09.2022