



W.P(MD)No.422 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.10.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.422 of 2014

and

M.P(MD)No.1 of 2014

Vijay Spinners,
HT SC No.223,
P.B.No.18A, Pugazhendi Road,
Rajapalayam-626 117,
Virudhunagar,
Represented by its Manager,
M.K.Suresh

... Petitioner

Vs.

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

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

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

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records in Lr.No.SE/VDR/AO/Rev/RCS/A.6/F.BOAB AUDIT/SC.No./2013 issued by the third respondent, dated 16.12.2013 and the consequential CC bill, dated 01.01.2014 insofar as Serial No.14 for Rs.1,67,862/- alone towards alleged add/less adjustment charges and quash the same as illegal, arbitrary and violation of principles of natural justice.

For Petitioner : M/s.RM.Loganathan

For Respondents : M/s.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging an order passed by the third respondent herein, under which, they have demanded a sum of Rs.1,67,862/- as short levy on the basis of an audit objection. The said amount has also been incorporated in the current consumption bill and a demand has been made.



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2. According to the learned Counsel for the petitioner, he has regularly paid the current consumption charges and there are no arrears as on the date, when the impugned order was passed. However, due to audit objection, the present impugned order has been passed.

3. It is clear that the order impugned in the writ petition has been passed, without issuing any notice or affording any personal hearing to the writ petitioner. The order impugned in the writ petition is set aside. The matter is remitted back to the file of the third respondent herein. The third respondent shall pass orders on merits and in accordance, after affording due opportunity to the writ petitioner.

4. When the writ petition was admitted, a conditional order has been passed, directing the writ petitioner to deposit a sum of Rs.50,000/-. The said order has been complied with. The said amount shall be adjusted by the Electricity Board in future bills.



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5. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes / No
Internet : Yes / No
btr

To

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



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.422 of 2014

20.10.2022