



W.P(MD)No.8137 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8137 of 2014

and

M.P(MD)No.1 of 2014

M.Rengaraj Pillai

... Petitioner

Vs.

TANGEDCO,
Represented by its Assistant Executive Engineer,
Operation and Maintenance,
Keeranur,
Pudukottai District.

... Respondent

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 relating to the Impugned order vide Letter No. உ.செ.பொ./இ.கா./கீரனூர்/ கோ.வாத/ ஆ.எண்.166/ 2014 dated 25.03.2014 issued by the respondent and quash the same.

For Petitioner : Mr.S.Anwar Sameem

For Respondent : Mr.S.Deena Dhayalan



W.P(MD)No.8137 of 2014

ORDER

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The present writ petition has been filed challenging a demand notice issued by the respondent herein for a sum of Rs.2,10,864/- (Rupees Two Lakhs Ten Thousand Eight Hundred and Sixty Four only) on the ground of short levy.

2. According to the learned counsel for the petitioner, first demand notice was issued on 03.03.2003. The said demand notice was challenged by the writ petitioner in W.P.No.8380 of 2003 and the writ petition was allowed with liberty to the respondent to initiate proceedings after issuing notice to the writ petitioner.

3. A second demand notice for the same amount was issued on 02.01.2004. The said demand notice was again challenged in W.P.No. 269 of 2004. When the writ petition was pending, the respondent has chosen to cancel the said second demand notice, dated 02.01.2004 citing judgment in W.P.No.8380 of 2003. After a period of 10 years, a third demand notice, which is impugned in the writ petition has been issued on



W.P(MD)No.8137 of 2014

25.03.2014. The said demand notice has been issued clearly in violation of the direction issued by this Court in W.P.No.8380 of 2003, dated 25.09.2003, in which, this Court has directed the authorities to issue a show cause notice, conduct an enquiry and thereafter, pass orders. When the respondent found that, the second impugned order, dated 02.01.2004 is in violation of the order in W.P.No.8380 of 2003, he has chosen to withdraw the same on 19.02.2004. Despite orders passed by this Court, the respondent herein has chosen to pass the third impugned order on 25.03.2014.

4. A perusal of the impugned order clearly shows that the said order has been passed in violation of the order, dated 25.09.2003 in W.P.No.8380 of 2003. Hence, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the respondent herein. The respondent shall strictly comply with the order in W.P.No.8380 of 2003 and pass orders, after giving due opportunity to the writ petitioner.

5. The learned counsel for the petitioner submits that pursuant to



W.P(MD)No.8137 of 2014

the interim order of this Court, the petitioner has deposited a sum of Rs.30,000/- (Rupees Thirty Thousand only). The said amount shall be adjusted in the current consumption charges or based upon the order to be passed by the respondent herein.

6. With the above said observations, this Writ Petition is allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

26.10.2022

Index : Yes / No
Internet : Yes / No
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To

The Assistant Executive Engineer,
TANGEDCO,
Operation and Maintenance,
Keeranur,
Pudukottai District.



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W.P(MD)No.8137 of 2014

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.8137 of 2014

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26.10.2022