



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.331 of 2017

and

W.M.P. (MD) No.236 of 2017

T.N.Krishnamurthy and Sons

... Petitioner

Vs

The Assistant Engineer,
Distribution,
Madurai Electricity Distribution Circle,
Kappalur,
Madurai.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the respondent in Lr.No.U.Me.Po./Pahir/Kappalur/Va/ May./Kon.Thanikai/A.No/14, 2016 dated 22.10.2016 and quash the same.

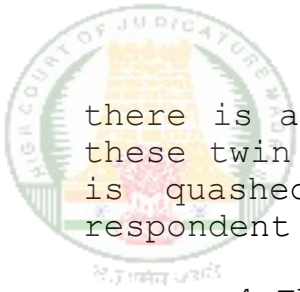
For Petitioner	: Mr.C.Godwin
For Respondent	: Mr.S.Deenadhayalan Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

2.The petitioner is a consumer of electricity. There was an inspection of the petitioner's premises on 21.06.2013. It was found that the consumption was high and therefore, penalty was levied on the petitioner to the tune of Rs.1,94,865/-. The petitioner questioned the same by raising a dispute before the Consumer Grievances Redressal Forum, Madurai Electricity Distribution Circle, Madurai-7. The said forum vide order dated 23.11.2013 confirmed the penalty. The penalty amount has since been paid also. While so, based on the audit report, the impugned communication dated 22.10.2016 has been issued. The petitioner has now been called upon to pay a further sum of Rs.4,27,840/-.

3.The impugned communication suffers from two fold vices. It has been issued without notice to the petitioner. There is a violation of the principles of natural justice. Secondly, the fact that the Consumer Grievances Redressal Forum/Madurai EDC/Madurai, has already confirmed the penalty, has not been taken note of. Thus,



there is a failure to take into account the relevant materials. On these twin grounds, the communication impugned in this writ petition is quashed. The matter is remitted back to the file of the respondent for fresh consideration.

4.The writ petition is allowed, on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Assistant Engineer,
Distribution,

Madurai Electricity Distribution Circle,
Kappalur, Madurai.

+1 CC to M/s.C.GODWIN, Advocate (SR-24479[F] dated 07/06/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-24764[F] dated 09/06/2022)

W.P. (MD) No.331 of 2017
07.06.2022

SG(CO)

TR(13.06.2022) 2P 4C