



W.P.(MD).No.853 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.853 of 2020
and
W.M.P.(MD).No.636 of 2020**

Nirmala Devi Agarwal

... Petitioner

Vs.

1.The Superintending Engineer,
Ramnad Electricity Distribution Circle,
TANGEDCO,
Ramanathapuram Town and District.

2.The Assistant Engineer, Distribution,
TANGEDCO,
Sikkal – 623 528,
Ramanathapuram District.

... 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 relating to the impugned account summary issued by the respondent Corporation for the 12th month bill for the year 2019 in respect of the demand of current consumption charges of Rs.289,126/- and current consumption arrears of Rs.151,988/- for electricity service connection bearing No.1157 issued in the name of the petitioner-Nirmala Devi Agarwal and quash the said demand.



W.P.(MD).No.853 of 2020

For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

This Writ Petition is filed to quash the impugned current consumption charges of Rs.2,89,126/- without following the procedure under Regulation 11 of the Tamil Nadu Electricity Supply Code. The writ petition also challenged the current consumption arrears of Rs.1,51,988/- which is issued along with 12th month bill for Bill year 2019 for electricity service connection bearing No.1157 issued in the name of the petitioner-Nirmala Devi Agarwal.

2. The contention of the petitioner is that the respondents have not issued any show cause notice before issuing the demand to pay the arrears. The respondents have not followed the regulation before issuing the bill. The petitioner is also contending that the respondents are not having any power to issue the said demand as arrears of bill beyond the period of limitation prescribed under Section 56(2) of Electricity Act, 2003.



W.P.(MD).No.853 of 2020

WEB COPY

3. Since the respondents have not granted sufficient opportunity before demanding the arrears amount, therefore there is a clear violation of principles of natural justice.

4. As far as the current consumption bill is concerned, if the petitioner is aggrieved then the petitioner is entitled to approach the next higher authority as per Regulation 11 of Tamil Nadu Electricity Supply Code. The bill was issued by the Assistant Engineer, TANGEDCO, Sikkal Section and the next higher authority would be the Executive Engineer. However, the Executive Engineer is not a party before this Court. Therefore, this Court directs the petitioner to submit an objection before the Executive Engineer by considering the impugned demand as if it is show cause notice. After submitting of such objections, the respondents shall conduct an enquiry. The respondents shall grant personal hearing as well. The limitation issue shall be raised before the authority. Both the petitioner as well as the authorities are at liberty to deal with the limitation as per law and as per the judgment rendered in this issue.



W.P.(MD).No.853 of 2020

WEB COPY

5. With view of the directions, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Superintending Engineer,
Ramnad Electricity Distribution Circle,
TANGEDCO,
Ramanathapuram Town and District.
- 2.The Assistant Engineer, Distribution,
TANGEDCO,
Sikkal – 623 528,
Ramanathapuram District.

Copy To

The Assistant Executive Engineer,
TANGEDCO,
Sikkal – 623 528,
Ramanathapuram District.



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W.P.(MD).No.853 of 2020

S.SRIMATHY, J.

Nsr

W.P.(MD).No.853 of 2020

21.08.2023