



W.P.(MD).Nos.3734 and 9741 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.3734 and 9741 of 2021

and

W.M.P.(MD)Nos.2995 and 7446 of 2021

W.P.(MD).No.3734 of 2021:

J.Micheal Raj

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation,
Parvathipuram, Vetturnimadam Post,
Kanyakumari District.

2.The Junior Engineer,
Distribution,
Tamil Nadu Generation and Distribution
Corporation,
Colachel and Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the notice issued by the 2nd respondent in No. Ka.No.E.Mi.Po/VNi/Kulachal/Ko.Kattu/A.No.322/21, dated 04.02.2021 and to quash the same and to direct the 2nd respondent to forbear from disconnecting



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the electric service connection given to the house of the petitioner in Service Connection No.172-008-1390.

W.P.(MD).No.9741 of 2021:

J.Micheal Raj

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation,
Parvathipuram, Vetturnimadam Post,
Kanyakumari District.

2.The Executive Engineer,
Distribution,
Tamil Nadu Generation and Distribution
Corporation,
Thuckalay and Post,
Kanyakumari District.

3.The Assistant Executive Engineer,
Distribution,
Tamil Nadu Generation and Distribution
Corporation,
Eraniel, Neyyoor Post,
Kanyakumari District.

4.The Assistant Electrical Engineer,
Distribution-I,
Tamil Nadu Generation and Distribution
Corporation,
Colachel and Post,
Kanyakumari 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 of the 4th



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respondent relates to the Letter No.Ka.Number.E.Ni.Po/Vi/Kulachal-1 A.No. 484/20, dated 24.02.2020 and to quash the same.

In both cases:

For Petitioner : No appearance

For Respondents : Mr.S.Deenadhayalan

COMMON ORDER

The writ petition in W.P.(MD)No.3734 of 2021 is filed for writ of ***Certiorarified Mandamus***, to quash the notice dated 04.02.2021 issued by the 2nd respondent and to direct the 2nd respondent to forbear from disconnecting the electric service connection given to the house of the petitioner in Service Connection No.172-008-1390. The writ petition in W.P.(MD)No.9741 of 2021 is filed for writ of ***Certiorari***, to quash the Letter No.Ka.Number.E.Ni.Po/Vi/Kulachal-1 A.No.484/20 dated 24.02.2020 of the 4th respondent.

2. The petitioner was running Ice Plant and was having Service Connection No.172-004-507 under tariff III B. The audit wing on inspection had submitted a report that there is arrears of Rs.5,45,878/-. Hence, the petitioner submitted a representation to reconsider the audit objection. Pursuant to the same, the audit amount was reassessed and it was reduced to Rs. 2,78,025/-.



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3. In the meanwhile, Ice Plant was disconnected pursuant to the letter issued by TNPCB vide letter, dated 24.06.2020. As on date, the Ice Plant is under lock. Since the petitioner has not paid the assessed amount, the respondents have included the amount in the house service connection SC No. 172-008-1390 under Tariff IA. The respondents have issued notice directing the petitioner to pay the amount otherwise the service connection would be disconnected.

4. At the time of admission of W.P.(MD)No.9741 of 2021, this Court has granted an interim order and directed the petitioner to pay 25% of the amount and the petitioner had complied with the order. Now, the balance is payable.

5. The contention of the petitioner is that the impugned notice was issued without issuing notice thereby it is violative of principles of natural justice. Moreover, whenever there is a discrepancy in the amount for the current consumption charges, the next higher authority would be the appropriate authority to consider the claim of the consumer.



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6. Therefore, this Court is inclined to pass the following orders:

- a. The petitioner shall pay further amount of Rs.20,000/-.
- b. On receipt of the amount the first respondent to consider the petitioner's claim after granting adequate opportunity to the petitioner. If necessary personal hearing shall also be granted.
- c. Thereafter, the first respondent shall pass appropriate orders.
- d. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above said observations and directions, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2023

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