



W.P.(MD) No.4337 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4337 of 2020
and
W.M.P.(MD) Nos.3646 and 3647 of 2020**

Vivekananda Rock Memorial and
Vivekananda Kendra
represented by its Treasurer,
Mr.M.Hanumantarao,
S/o. Narasimamoorthi (Late),
Vivekanandapuram,
Kanyakumari 629 702.

... Petitioner

/vs./

- 1.The Chief Engineer (Distribution),
TNEB,
Maharaja Nagar,
Tirunelveli 627 001.
- 2.Superintending Engineer,
TNEB,
Kanyakumari Electricity Distribution Circle,
Nagarcoil.
- 3.The Junior Engineer (Distribution),
TANGEDCO,



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NCL, Kanyakumari,
Kanyakumari District 629 702.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Ka.No.EMP/Vini/Keap/A.No.62/2020 dated 18.01.2020 on the file of the third respondent and the consequent impugned order in KaNo.E.M.P./Vini/Kani/A.No.146/2020 dated 24.02.2020 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The above writ petition has been filed for issue of a Writ of Certiorari calling for the records pertaining to the impugned order in Ka.No.EMP/Vini/Keap/A.No.62/2020 dated 18.01.2020 on the file of the third respondent and the consequent impugned order in KaNo.E.M.P./Vini/Kani/A.No. 146/2020 dated 24.02.2020 on the file of the third respondent and quashing the same.



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2.The case of the petitioner in the above writ petition is that the petitioner society is a society registered under the Societies Registration Act, 1860, as early as in the year 1963 and the society is a spiritually oriented service organization based on the teachings of Swami Vivekananda. The campus of the petitioner society is partly electrified by solar net-metering and partly by conventional electricity grid. The petitioner would submit that they have been promptly paying the electricity bills vide online payment gateway hosted by the respondent TANGEDCO.

3.It is the case of the petitioner that they have electricity connection bearing No.142-012-164 TF V and have been permitted a load of up to 111 KW for their consumption. In this backdrop, the petitioner society was shocked to receive the impugned demand for a sum of Rs.1,47,78,223/- issued by the third respondent herein. The impugned notice would state that the electricity bills had been erroneously collected, which was sought to be rectified now. Therefore, the petitioner has come forward with the above writ petition for the relief stated supra.



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4.A detailed counter affidavit has been filed by the second respondent, in which they have admitted that erroneous meter reading has been done by their officials. However, they would submit that notice has been issued on 18.01.2020 and the petitioner has been requested to pay the amount, to which reply has been sent by the petitioner. In the proceedings of the third respondent dated 22.02.2020, the reason for the erroneous meter reading has been explained. The counter would further indicate that action has been initiated against some of the officials under the head of dereliction of duty.

5.A reading of the counter would clearly indicate that before imposing huge consumption charges of over 1 Crore, which, according to the respondents, was on account of wrong meter reading, the respondents have not issued any prior intimation to the petitioner nor called for any objections from the petitioner. This is the flagrant violation of principles of natural justice. Therefore, the Writ Petition is allowed. The impugned order passed by the third respondent dated 18.01.2020 is set aside and the matter is remitted back to the third respondent for fresh consideration. The third respondent shall pass appropriate orders on merits and in accordance with law after affording opportunities to the parties to submit



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their objections and affording them a personal hearing within a period of 8 weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

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P.T.ASHA, J.

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