



W.P.(MD).No.9606 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.9606 of 2020

and

W.M.P.(MD)Nos.8650 and 8651 of 2020

M/s.A.K.Ahamed Company,
represented by its Proprietor,
A.K.Ahamed,
59, Navabath Kana Street,
Madurai-625 001.

... Petitioner

Vs.

1.The Superintending Engineer,
Electricity Distribution Circle,
TANGEDCO, Madurai-7.

2.The Superintending Engineer,
Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... 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 impugned final show cause notice (order) issued by the 1st respondent in his proceedings in Ka.No.Me.Po/ Ma.Mi.PA.Va/ Perunagar/ Madhu/ Thu.Ni.Ka.A/ Ka.A/ Varu/ Ka.Me/ Vu.Mi.Pi.E.No.87/ A.No.519/ 2020 dated 24.07.2020 and to set aside the same as illegal and consequently, to direct the respondents to repay the excess amount collected from the petitioner under



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REC scheme within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.S.Deenadhayalan

ORDER

This writ petition has been filed for Writ of Certiorarified Mandamus, to quash the impugned final show cause notice (order) dated 24.07.2020 issued by the 1st respondent in and consequently, to direct the respondents to repay the excess amount collected from the petitioner under REC scheme within a time frame fixed by this Court.

2. The contention of the petitioner is that the said impugned order is passed without granting adequate opportunity to the petitioner. In fact, the petitioner submitted a representation, dated 18.05.2020 and a reply, 12.06.2020 and requested the respondents to repay the amount collected by the respondents under the REC scheme. However, the said reply was not considered. The respondents threatened to disconnect the service connection and collected the same. The respondents without granting sufficient time to reply for their demand has passed the impugned order.



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3. This Court is of the considered opinion that the respondents are bound to grant sufficient opportunity to the petitioner. Since the impugned order is passed violating the principles of natural justice, the same is liable to be quashed and accordingly the impugned order is quashed. The petitioner is directed to treat the impugned order as a notice and submit a fresh reply within a period of four weeks from the date of receipt of the copy of the order. On receipt of such reply, the respondents shall fix a date to conduct enquiry. The respondents are directed to afford personal hearing to the petitioner, thereafter the respondents shall pass speaking orders as per law. The enquiry shall be completed within a period of three months from the date of receipt of the reply from the petitioner.

4. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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



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