



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10274 of 2022 AND
W.M.P.(MD)No.7307 of 2022

Shahul Hameed,
Managing Partner,
M/s.Bismi Aquatic Products,
S/o.Syed Sahabudeen,
No.3-659A, Middle Street, Vedhalai,
Mandapam,
Ramanathapuram District.

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
O/o.The Tamil Nadu Electricity Board,
Rep. by its Chairman,
Anna Salai, Chennai.
2. The Superintendent Engineer,
O/o.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Ramanathapuram District.
3. The Account Officer/ Revenue,
O/o.The Account Officer / Revenue,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the third respondent in his Bill No.H478



0052042211 dated 04.05.2022 is so far as it relates to levy of penalty of excess demand charges to the tune of Rs.10,92,132/- and quash the same as illegal, arbitrary without the authority of law.

For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.S.M.A.Jinnah.

For Respondents: Mr.S.Deenadhayalan,
Standing Counsel.

* * *

ORDER

Heard both sides.

2. The petitioner is engaged in manufacturing fishing oil. The petitioner is enjoying HT connection. The grievance of the petitioner is that without any reason, the impugned demand was included in his monthly consumption bill. Challenging the same, the present writ petition came to be filed.

3. On 20.05.2022 an interim order was granted by this Court on condition. The condition has since been complied with. Now the question that calls for consideration is whether the impugned demand can be sustained.



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4. It is not in dispute that the petitioner was not put on notice. On this sole ground, the impugned demand is quashed and the matter is remitted to the file of the respondents. Fresh notice will be issued to the petitioner setting out the particulars. The petitioner will be given three weeks time to offer his explanation. Thereafter, an enquiry will be conducted by the second respondent. Only thereafter, final order will be passed. The amount paid by the petitioner in terms of the interim order passed by this Court will be adjusted against the petitioner's current liabilities.

5. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

**G.R.SWAMINATHAN,J.**

PMU

To:

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O/o.The Tamil Nadu Electricity Board,
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Anna Salai, Chennai.
2. The Superintendent Engineer,
O/o.The Superintendent Engineer,
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