



W.P(MD)No.10770 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10770 of 2022

and

W.M.P(MD)No.7770 of 2022

Annai Resorts and Spa Private Limited,
HTSC No.07909440088,
6-112 B3, Kovalam Road,
Opposite to New Bus Stand,
Kanyakumari – 629 702,
Represented by its
Authorized Signatory S.Nallasivan

... Petitioner

Vs

- 1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai – 600 002,
Represented by its Chairman.
- 2.The Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Kanyakumari.



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4.The Accounts Officer / Revenue,
The Superintending Engineer Office,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Kanyakumari.

5.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the third respondents Impugned Notice bearing Lr. No.SE/KKEDC/NGL/DFC/AO/Rev./RCS/AS/D.858 2021 dated 29.01.2022 (Signed on 05.02.2022 and received by the Petitioner on 21.02.2022 only) and consequential impugned CC bill dated 10.05.2022 under serial no.20 'Adjustment Charges (Not Affecting)' to a tune of Rs.7,11,439/- alone is concerned and quash the same as illegal, arbitrary, against principals of natural justice, contrary to the second respondent's own Circular Memo dated 03.02.2016 and against the fifth respondents own monthly allotment letters for the period 06/2016, 07/2016 and 08/2018 respectively and against the provisions of Electricity Act, 2003.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel

ORDER

Heard both sides.



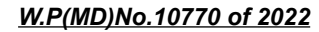
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WEB COPY 2. Based on the audit slip dated 23.12.2021, a sum of Rs.7,11,439/- (Rupees Seven Lakhs Eleven Thousand Four Hundred and Thiry Nine only) was included in the CC bill and the impugned communication dated 29.01.2022 came to be issued. It is beyond dispute that before doing so, the respondents have not put the petitioner on notice. When the writ petition was listed for admission, the following interim order came to be passed:

“The present writ petition has been filed alleging a demand arising out of the short levy, dated 29.01.2022.

2. Aggrieved over the said demand, the writ petitioner has given a detailed representation on 02.03.2022. The said representation has not been considered and no final orders have been passed by the respondent authorities. However, the said short levy amount has been included in Serial No.20 of the impugned order, which is the current consumption charges for the month of April 2022. As per the impugned order, dated 10.05.2022, unless the short levy amount demanded on 29.01.2022 is paid along with C.C. bill, his service connection will be disconnected.

3. The learned counsel appearing for the petitioner point out the Circular issued by the TANGEDCO, dated 03.02.2016, to the effect that in all cases of demand for short



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3. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.10.2023

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

To

1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
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Represented by its Chairman.

2.The Director Finance,
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G.R.SWAMINATHAN, J.

MGA

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