



W.P(MD)No.20299 of 2014.P(MD)No.20299 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20299 of 2014
and
M.P.(MD)No.1 of 2014

N.Chandrashear

... Petitioner

Vs.

The Assistant Engineer,
Distribution/Town/Central Division,
TANGEDCO, Thoothukudi-628 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Ka.No.Vu.Mi.Po./Vi/Nagar/Mathe/Thu.Di/Ko.Va.Bi/A/No.549/14, dated 30.11.2014 on the file of the respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

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



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ORDER

Heard both sides.

2.The petitioner is running proprietary concern in the name and style of Abirami Textiles. His daughter is having another concern in the name and style of Abirami Silks. They are operating from two different door numbers. The stand of the audit wing of TANGEDCO is that both the door numbers are part of same premises and that therefore, there has been breach of Clause 13 of Regulation 27 of the Tamil Nadu Electricity Distribution Code. A demand to the tune of Rs.20,64,000/- has been raised.

3.It is beyond dispute that this demand has been raised without hearing the petitioner. The petitioner must be given an opportunity to show that two electric service connections are distinct and separate and standing in the name of two different individuals and that there is no breach of Regulation 27(13) of the Tamil Nadu Electricity Distribution Code. Since without giving such opportunity the demand has been

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raised, the impugned order is quashed. The matter is remitted to the file of the respondent. It is open to the respondent to issue fresh notice and decide the issue afresh on merits and in accordance with law.

4.This writ petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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