



W.P(MD)Nos.9849 & 10139 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.9849 & 10139 of 2015

and

M.P.(MD)Nos.1 & 1 of 2015

In W.P.(MD)No.9849 of 2015

Kodeeswaran

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
Pattukkottai,
Thanjavur District.

2.The Assistant Engineer,
O & M / Perumalkovil,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
TANGEDCO,
Pattukkottai,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 2nd respondent vide his Proceedings in Ka. No. Umi Po / E. Ka / Pe. Kovil / Pattu / Ko / A. No. 40/2015 dated 09.06.2015 and quash the same.



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W.P(MD)Nos.9849 & 10139 of 2015

For Petitioner : Mr.M.Prabhakaran

For Respondent : Mr.K.Nagarajan
Standing Counsel

In W.P.(MD)No.10139 of 2015

Kodeeswaran

... Petitioner

Vs.

The Assistant Engineer,
Operation & Maintenance,
TANGEDCO,
Rural/Pattukottai,
Thanjavur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the respondent vide its proceedings in Ka.No.Vu.Mi.Po/E.Ka/Pe. Kovil/ Pattu/Ko/A.No.41/2015 dated 9.6.2015 and to quash the same.

For Petitioner : Mr.M.Prabhakaran

For Respondent : Mr.K.Nagarajan
Standing Counsel

COMMON ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for TANGEDCO.



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2. The petitioner is enjoying electricity connection under commercial category. His specific case is that the meter installed by TANGEDCO did not function properly during the period from 01.04.2008 to 17.06.2009. The petitioner would claim that even the replaced meter was also not functioning properly. In this regard, the audit wing conducted inspection and issued slip. Based on the same, the impugned demand came to be raised. The petitioner contends that fixation was done erroneously. Challenging the same, the present writ petitions came to be filed.

3. Before the matter could be taken on merits, the learned standing counsel submitted that the respondent themselves have addressed the audit wing for raising a revised demand. In other words, the issue is proposed to be revisited by the respondent themselves. Before final demand is raised, the petitioner shall be put on notice. All the available and relied upon materials shall be given to the petitioner. Only thereafter, a fresh demand shall be raised.

4. The learned counsel for the petitioner states that without prejudice to his contentions and by way of complying with the condition imposed by this Court, the petitioner had paid a sum of Rs.1,00,000/-. The said amount can remain with the respondents. Its adjustment shall abide by the final order to be passed by the respondents.



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5. The impugned order is set aside. The writ petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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