



W.P(MD)No.3278 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3278 of 2016
and
W.M.P(MD)No.2848 of 2016

M/s.Premier Products (P) Ltd.,
Service Connection Number 248-003-100,
S.S.D.Oil Mills, Meenachipuram,
N.Subbiahpuram - 626 205,
Nalli (Po)

Rep. by iTs Manager R.Veluchamy

...Petitioner

Vs.

1.Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.800, Anna Salai,
Chennai – 600 002.



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2. The Superintending Engineer

TANGEDCO,

N.Subbiahpuram,

Virudhunagar Electricity Distribution Circle,

Virudhunagar.

3.The Assistant Engineer

TANGEDCO,

N.Subbiahpuram,

Virudhunagar Electricity Distribution Circle,

Virudhunagar.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the third Respondent in his impugned demand notice Lr.No.க.எண்.இ.மி.பொ/வி/ந.ச.புரம்/வ.மே/கோ.தணிக்கை அ.எ.022/2016 dated 22.01.2016 quash the same as illegal, arbitrary, without the authority of law and against the provision as contained in Tamil Nadu Electricity Supply Code 2004, Regulations for Consumer Grievance Redressal Forum and Electrical Ombudsman 2004, Electricity Act, 2003.



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For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan

Standing Counsel

ORDER

This Writ Petition has been filed as against the demand notice dated 22.01.2016 issued by the third respondent, based on the audit report.

2. The learned counsel for the petitioner submits that based on the audit objection, the demand notice, dated 22.01.2016 has been issued without any valid reason and this demand has also been made without providing an opportunity to the petitioner, to the objection raised by the audit.

3. This Court in a similar Writ Petition in W.P(MD) No.720 of 2016, following the orders passed by this Court in W.P. (MD)No.14631 of 2011, has passed the following order :

"4. In this case, admittedly, there was an



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audit objection on 20.08.2015 as to Rs.58,465/-, based on which, a demand notice was issued on 31.08.2015 for a sum of Rs.58,465/- and this amount is also added in the CC Bill dated 01.12.2015. Since the petitioner was not provided an opportunity to the audit objection, this impugned order is liable to be set aside.

5. Accordingly, this writ petition is allowed and the impugned notice dated 31.08.2015 and the consequential impugned CC bills dated 01.12.2015 are set aside. The respondents are at liberty to issue a fresh demand notice along with the audit objection to the petitioner and after providing an opportunity of hearing to the petitioner, the respondents shall take a decision on the said notice, within a period of eight weeks from the date of receipt of a copy of this order. No costs."

4. A careful perusal of the orders stated supra and on a careful examination of the facts and circumstances of the case and



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having heard the submissions of the respective counsels, this Court is of the opinion that the issue raised in this Writ Petition is squarely covered by the above orders stated supra and the same relief has to be granted in favour of the petitioner.

5. Accordingly, this Writ Petition is allowed and the impugned notice, dated 22.01.2016 is set aside. The respondents are at liberty to issue a fresh demand notice along with the audit objection to the petitioner and after providing an opportunity of hearing to the petitioner, the respondents shall take a decision on the said notice, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2023

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

RM



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B.PUGALENDHI, J.

RM

Order made in
W.P(MD)No.3278 of 2016

04.10.2023