



W.P(MD)No.6524 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.6524 of 2016

and

W.M.P(MD)Nos.5666 & 5667 of 2016

Vijay Spinners,

HT SC No.223

P.B.No.111, 18A Pugazhendi Road,

Cotton Market,

Rajapalayam - 626 117.

Virudhunagar District.

Rep. by its Manager M. Ramesh

...Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd.,

TANGEDCO,

Rep. by its Director,

144 Anna Salai,

Chennai - 600 002.



W.P(MD)No.6524 of 2016

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

...Respondents

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 of the second respondent's the impugned notice Lr.No.SE/VREDC/VDR/AO/REV/ AAO/HT/AS.6/F.HT.SC.No.223/DNO:/2016 dated 29.02.2016 and quash the same as illegal, arbitrary, without the authority of law and against the order dated 10.01.2014 passed by this Court in W.P(MD)No.20184 of 2013.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan

Standing Counsel

ORDER

This Writ Petition has been filed as against the



W.P(MD)No.6524 of 2016

WEB COPY

impugned demand notice, dated 29.02.2016 issued by the second respondent.

2. The learned counsel for the petitioner submits that the impugned demand notice, dated 29.02.2016 has been issued without any valid reason and this demand has also been made without providing an opportunity to the petitioner.

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 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



W.P(MD)No.6524 of 2016

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 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.



W.P(MD)No.6524 of 2016

WEB COPY

5. Accordingly, this Writ Petition is allowed and the impugned notice, dated 29.02.2016 is set aside. The respondents are at liberty to issue a fresh demand notice 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 petitions are closed.

04.10.2023

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

RM



W.P(MD)No.6524 of 2016

To
WEB COPY

1.Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Rep. by its Director,
144 Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar



WEB COPY



W.P(MD)No.6524 of 2016

B.PUGALENDHI, J.

RM

Order made in
W.P(MD)No.6524 of 2016

04.10.2023