



W.P.No.6713 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6713 of 2021 and
WMP.Nos.7270 & 7272 of 2021

Ambattur Infra Developers
HTSC No.1800,
No.32A & 32B, Industrial Estate, Ambattur,
Chennai-58
Repd.its Authorised Signatory
Harish Dwarakanathan

... Petitioner

Vs.

- 1.The Tamilnadu Generation and Distribution Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai 600 002
Represented by its Chairman
- 2.Director Finance,
Tamilnadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai 600 002
- 3.The Superintending Engineer,
Chennai Electricity Distribution Circle(West),
TANGEDCO,
Chennai
- 4.The Accounts Officer/Revenue
The Superintending Engineer Office,
Chennai Electricity Distribution Circle(West),
TANGEDCO,
Chennai

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records of the 2nd Respondent's impugned circular Memo CFC/R/FC/R/DFC-R1/F.HTLT-RTI/D.30/2015 dated 03.02.2016 insofar as the para 3(iii) is concerned and consequential impugned demand notice bearing Lr.No SE/CEDC/W/DFC/AAO/HT/AS/D.NO 141/2021 dated 30.01.2021 of the 3rd Respondent and consequent CC bill dated 06.03.2021 insofar as serial No.20 'other adjustment' to a tune of Rs.16,14,728/- alone is concerned issued by the 4th Respondent, quash the same as illegal, arbitrary, against principles of natural justice and without authority of law and against the Electricity Act, 2003.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 03.02.2016 thereby issued demand notice and consequential demand notice dated 30.01.2021 and CC bill dated 06.03.2021.



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2. The petitioner is having High Tension Electricity Supply in HT Sc.No.1800 with the Office of the third respondent. The petitioner is an IT park. Apart from the service connection, the petitioner also avails power under group captive scheme and wind energy under the open access scheme to meet out their energy requirements on payment of open access charges to the respondent as fixed by the Regulatory Commission from time to time. The electricity power purchased by the petitioner from third party sources is first adjusted against the petitioner's consumption in their monthly CC bill and the balance energy consumed from the respondents alone, the third respondent raises bills. While being so, the petitioner was served with notice dated 30.01.2021 thereby demanded a sum of Rs.16,14,728/- towards revision of CC bills from January 2018 to October 2018. In pursuant to the said notice, the third respondent relied upon the audit slip No.36 dated 30.01.2021 and revised the bill for the month of January 2018 to October 2018.

3. The only contention raised by the petitioner is that the petitioner was not given opportunity of hearing to explain for the audit slip. In fact, the said audit slip was not even served on the petitioner.



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4. Today, the petitioner has been served with audit slip, that too without any split up details.

5. Therefore, only on the principles of natural justice, the impugned demand notice and CC bill cannot be sustained and the same are liable to be quashed. Accordingly, the impugned demand notice dated 30.01.2021 and CC bill dated 06.03.2021 are quashed and the matter is remanded to the third respondent.

6. The third respondent is directed to serve relevant materials to the petitioner forthwith. On receipt of the details about the levy from the third respondent, the petitioner is directed to submit their explanation within a period of two weeks from the date of receipt of copy of this order. On receipt of the explanation, the third respondent is directed to afford an opportunity of personal hearing to the petitioner and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of explanation.



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7. With the above directions, this writ petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.Chairman

The Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai 600 002

2.Director Finance,

Tamilnadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002

3.The Superintending Engineer,

Chennai Electricity Distribution Circle(West),
TANGEDCO,
Chennai

4.The Accounts Officer/Revenue

The Superintending Engineer Office,
Chennai Electricity Distribution Circle(West),
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