



W.P.(MD).No.7996 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7996 of 2024

and

W.M.P.(MD).Nos.7252 and 7253 of 2024

Sunaichandran Mills P Ltd.,
Represented by its Director,
T.Jayakumar.

... Petitioner

Vs.

1.The Tamilnadu Generation and
Distribution Corporation Ltd (TANGEDCO),
144, Anna Salai,
Chennai - 600 002,
Represented by its Chairman.

2.The Director Finance,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

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

4.Accounts Officer / Revenue,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.

... Respondents



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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 3rd respondent's impugned show cause notice dated 01.03.2024 toward alleged average billing charges for defect in the petitioner's meter and the consequential the 4th respondent's impugned CC bill dated 08.03.2024 insofar as serial no.20 'Adjustment Charges' alone is concerned and quash the same as illegal, arbitrary, contrary to the 2nd respondent's Circular Memo dated 03.02.2016 and Regulation 11 and 13(2) of the Tamil Nadu Electricity Supply Code 2004 and the Electricity Act, 2003 and against the principle of natural justice.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard both sides.

2. The petitioner is a consumer of electricity. The respondents pointed out that there was an error in the petitioner's past billing. A show cause notice was issued on 01.03.2024. The petitioner offered his explanation on 08.03.2024. The grievance of the petitioner is that without considering the explanation and without passing final order thereon, straightaway, the disputed demand has been included in the petitioner's current consumption bill. The petitioner challenges that portion of the bill alone.



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3. I am more than satisfied that a case for grant of relief has been made out. The impugned demand set out in Serial No.20 under the head 'Adjustment Charges' alone is set aside. The petitioner's writ prayer also is confined to that alone. The matter is remitted to the file of the third respondent. The third respondent shall pass an order afresh on merits and in accordance with law based on the petitioner's explanation to the show cause notice dated 01.03.2024. Since the show cause notice was issued on the strength of the audit slip, the third respondent is directed to provide the petitioner with a copy of the same and invite the petitioner's remarks thereon and only thereafter, final order shall be passed.

4. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2024

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



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To

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



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G.R.SWAMINATHAN, J.

Lm

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