



W.P.(MD) No.10188 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.10188 of 2017
and W.M.P.(MD).No.7824 of 2017

V.Marimuthu

... Petitioner

/vs./

The Assistant Electrical Engineer,
Generation and Distribution,
Tamil Nadu Electricity Board,
North Venganallur,
Rajapalayam – 626 117.
Virudhunagar District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the impugned order/letter Ka.No.UMePo/Vi/UPeNa/Go.Kattu/17/A.No.187/17, dated 20.05.2017, passed by the respondent and quash the same.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.S.Deenadhayalan Standing Counsel for R1



WEB COPY

W.P.(MD) No.10188 of 2017

ORDER

This Writ Petition has been filed seeking to quash the impugned order dated 20.05.2017.

2. Heard Mr.R.Murugappan, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Senior counsel appearing for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner had originally filed an application for shifting of electric connection bearing No.287-001-2299 and the same was also permitted by the communication of the respondent herein on payment of a sum of Rs.91,700/- which had also been paid by the petitioner on 09.02.2015 and the service connection was also shifted. Thereafter, after a period of two years, a notice had been sent by the respondent herein calling upon the petitioner to pay a sum of Rs.5,60,910/- being the balance amount due payable by the petitioner for shifting. He would further submit that having assessed the cost of shifting and having done the shifting and there has also been no reason assigned as to what was the necessity for the claiming the present higher amount.



W.P.(MD) No.10188 of 2017

WEB COPY

4. On the contrary, the learned Standing Counsel appearing on behalf of the respondent would submit that originally the petitioner was fastened with a liability of Rs.91,700/- and the balance sum was borne by the Department. However, the Audit has raised objections that the Department cannot bear the expenses and the said expenses should be recovered from the consumer and hence, the present show cause notice has been issued.

5. Even if the case of the respondent is accepted, the said notice ought to have been issued only after providing an opportunity of hearing to the petitioner, whereas in the present case, no opportunity of hearing to the petitioner had been granted and therefore, on that ground alone the order impugned in this Writ Petition is liable to be set aside. However, the issue is remanded back to the respondent for a fresh consideration on merits and in accordance with the law, however, after providing an opportunity of personal hearing to the petitioner herein.



W.P.(MD) No.10188 of 2017

WEB COPY

6. With the aforesaid direction, this Writ Petition stands allowed and the impugned order is set aside. However, there shall be no order as to costs. Consequently, connected miscellaenous petition is closed.

Index : Yes / No
Internet : Yes / No
gba

28.11.2024

To

The Assistant Electrical Engineer,
Generation and Distribution,
Tamil Nadu Electricity Board,
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W.P.(MD) No.10188 of 2017

K.KUMARESH BABU, J.

Gba

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