



W.P(MD)No.31259 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.31259 of 2025

and

W.M.P(MD)Nos24461 & 24463 of 2025

K.V.Kuppusamy
Former Managing Partner of R.V.S Texties,
Kumaran Kottam Campus,
Trichy Main Road,
Kannampalayam,
Coimbatore District-641 402.

..Petitioner

Vs

1.The Tamil Nadu Electricity Board,
Rep. by its Chairman
Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Dindigul Anna Electricity,
Distribution Circle,
Dindigul.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd Respondent, Superintending



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Engineer vide Lr. No.SE/DEDC/DGL/DFC/AO/R/AAO/HT/AS/F.DOC/
D.No.367/2025 dated 16.09.2025 quash the same insofar as levy of Belated
Payment Surcharge of Rs.58,19,525/- is concerned.

For Petitioner : Mr.K.Ragatheeshkumar for
M/s Isaac Chambers

For Respondents : Mr.S.Deenadhayan
Standing Counsel

ORDER

The petitioner seeks to challenge the order dated 16.09.2025, whereby the second respondent directed the petitioner to pay a sum of Rs. 67,32,412/- within fifteen days from the date of receipt of the said order, failing which the amount would be included in the billing of the sister concerns of the petitioner in the ensuing CC bill.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials available on record.

3. It is seen that the impugned order has been passed without issuing any prior notice to the petitioner or affording an opportunity to submit their objections.



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4. The learned Standing Counsel for the respondents would submit that the present demand was raised only after the Second Appeal in S.A.No. 1787 of 2001 filed by the petitioner came to be dismissed. It is submitted that the said second appeal arose out of a suit filed by the petitioner seeking a declaration that the petitioner was independently entitled to tariff concession under Section 4 of the Tamil Nadu Revision of Tariff Rates and Supply of Electrical Energy Act, 1978, and for consequential injunction restraining the authorities from calculating the concession tariff as arrears and disconnecting the service connection. It is further contended that, pursuant to the findings in the second appeal, the petitioner's unit was treated as a separate entity, thereby making the petitioner liable to pay the arrears towards concession tariff, and hence, a separate show cause notice was not necessary.

5. However, on a perusal of the impugned order, it is evident that no statement or calculation sheet has been enclosed to substantiate the additional demand of Rs.58,19,525/-, nor the petitioner has been called upon to submit any objections. The impugned order, therefore, is non-speaking and has been passed in violation of the principles of natural justice.

6. In view of the above, the impugned order dated 16.09.2025 is set aside. The writ petition is allowed. The matter is remitted back to the second



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respondent, who shall issue a fresh notice to the petitioner and any other interested parties, consider their objections, and thereafter pass a speaking order on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

05.11.2025

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



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P.T.ASHA, J.

skn

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