

(2011) 03 MAD CK 0067

In the Madras High Court

Case No : Writ Petition No. 6365 of 2011 and M.P. No's. 1 and 2 of 2011

K.G. Fabriks Ltd.

APPELLANT

Vs

Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO), Tamil Nadu Electricity Regulatory Commission
(TNERC) and The Superintending Engineer, Erode Elec
Distribution Circle Tamil Nadu Electricity Board

RESPONDENT

Date of Decision : 11-03-2011

Acts Referred:

Citation : (2011) 03 MAD CK 0067

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : A.R.L. Sundaresan, for R.S. Pandiyaraj, for the Appellant; J.
Ravindran, for R1 and R3, for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned Senior Counsel appearing on behalf of the Petitioner, as well as the learned Counsel appearing on

behalf of the Respondents.

2. The main contention of the learned Counsel for the Petitioner is that the impugned proceedings of the third Respondent, dated 02.03.2011, had

been passed by the third Respondent, without issuing a notice to the Petitioner and without giving an opportunity of hearing to the Petitioner.

3. The learned Counsel appearing on behalf of the Respondents had not refuted the said submissions made by the learned Counsel appearing on

behalf of the Petitioner. However, the learned Counsel appearing on behalf of the Respondents had submitted that the impugned proceedings of

the third Respondent, dated 02.03.2011, may be treated as a show cause notice issued to the Petitioner, making it clear that, it would be open to

the Petitioner to raise its objections, to the said show cause notice, if any, within a period of fifteen days from today. He had also submitted that on

receipt of the objections by the Petitioner, the third Respondent would pass appropriate orders, thereon, on merits and in accordance with law,

within the period specified by this Court.

4. In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned Counsels

appearing on behalf of the parties concerned, the impugned proceedings of the third Respondent, dated 02.03.2011, shall be considered as a

show cause notice, issued to the Petitioner and the Petitioner shall raise its objections, if any, to the said show cause notice, within a period of

fifteen days from today. On receipt of the objections, submitted by the Petitioner, the third Respondent shall consider the same and pass

appropriate orders thereon, on merits and in accordance with law, after giving an opportunity of hearing to the person authorised by the Petitioner,

within a period of fifteen days thereafter. It is also made clear that the Respondents shall not disconnect the electricity supply to the Petitioner,

before the final orders are passed by the third Respondent, pursuant to the show cause notice, dated 02.03.2011.