



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.02.2015
CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A.(MD)No.91 of 2015
and
M.P.(MD)No.1 of 2015

Seva Gases Private Ltd.,
represented by its Director S.Alagappan,
Trichy

... Appellant/Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai 600 002.

2.The Chief Financial Controller - Revenue,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai 600 002.

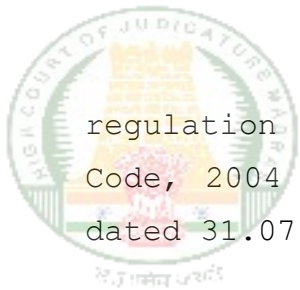
3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO)
No.1, Vallam Road,
Thanjavur Electricity Distribution Circle,
Thanjavur 613 007.

... Respondents/Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act,
against the order passed by this Court in W.P.(MD)No.9897 of 2014 dated
20.01.2015.

Prayer in WP(MD). 9897/ 2014 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of Certiorari
any other writ or direction in the nature of a Writ, calling for the
records of the 3rd Respondent in his letter No. Lr. No.
SE/TJR/DFC/AO/R/RCS/A1/F.ACCD/D.245 dated 26.04.2014 and the impugned
<https://hcservices.ecourts.gov.in/hcservices/>
letter NO.SE/TJR/TEDC/HT/Asst1/F.HTSC.No. 114/D 347/2014 dated 06.06.2014
quash the same as illegal and against the provisions as contained in the



regulation 5 (5) (ii) (a) & (d) of The Tamil Nadu Electricity Supply Code, 2004 and more particularly against the traiff Order No. 6 of 2012 dated 31.07.2012 issued by the TNERC.

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For Appellant : Mr.N.Damodaran

JUDGMENT

(Judgment of this Court was delivered by **S.TAMILVANAN, J.**)

Challenging the order dated 20.01.2015 made in W.P.(MD)No.9897 of 2014 passed by the Learned Single Judge, the Writ Appeal has been preferred.

2.Heard the learned counsel appearing for the appellant.

3.In the impugned order, the Learned Single Judge has specifically stated that following the earlier order passed by the Division Bench, the Writ petitions are disposed of with a direction to the petitioners to file an appeal before the Electricity Regulatory Commission within a period of 21 days from the date of the order and till such appeal is filed, status quo has to be maintained by the authorities as on the date of the order. It is was also made clear that if the petitioners fail to file appeal within the stipulated period, the order of status quo would not be extended further. Hence, it is a clear order without any ambiguity, directing the appellant and others to avail efficacious alternative remedy by way of preferring appeal.

4.On the aforesaid facts and circumstances, there is no justification for the appellant to file the Writ Appeal without preferring appeal before the authorities and further, as there is failure on the part of the appellant, we cannot extend the interim order of status quo. However, with a lenient view, we are permitting the appellant to approach the appellate authority by way of filing an appeal within a period of two weeks from the date of receipt of a copy of this order.



5. With the above observation, the Writ Appeal is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (CO)

\\True copy\\

Sub Assistant Registrar

To

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+1cc to MR.N.DAMODARAN, ADVOCATE SR.NO.7266

W.A. (MD) No.91 of 2015
17.02.2015

NBJ

NA/09/03/2015/P3/5C