

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.10908 of 2016
and
W.M.P.Nos.9501 and 9502 of 2016

M/s. ARS Steels & Alloy International Pvt Ltd.,
(Formerly known as M/s.ARS Metals Ltd.,)
rep . by its Deputy Director, N.Prabu
H.T.Sc.No.1902,
D-109, 2nd Floor,
L.B.R. Complex, Anna Nagar East,
Chennia - 600 102.

...Petitioner

Vs.

1. The Chairman and Managing Director,
(TANGEDCO)
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle North
(TANGEDCO)
144, Anna Salai,
Chennai - 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records of the second respondent, pertaining to the impugned notice in letter No.SE/CEDC/N/AEE/DEV/AE/D2/F.EHT.ARS.1824 Add1/D 2360/16, dated 24.02.2016 and to quash the same as illegal, arbitrary and untenable in law and against the regulation of Distribution Code 2004.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel (TNEB)

O R D E R

Heard Mr.K.Seshadri, the learned counsel appearing for the petitioner, and Mr.P.R.Dhilipkumar, the learned Standing Counsel (TNEB), who accepts notice for respondents. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. This Writ Petition has been filed, seeking to quash the impugned notice issued by the the second respondent, dated 24.02.2016.

3. After elaborately hearing the learned counsel appearing for the petitioner as well as the learned Standing Counsel for the respondent/TANGEDCO, it is prima facie clear that the petitioner has not disclosed full details in this Writ Petition. The petitioner's case is that, first certificate was produced on 20.02.2016, pursuant to which, a notice (impugned herein) granting three months' time was issued by the second respondent on 24.02.2016. It is the definite case of the petitioner that he has produced second certificate, viz., the safety certificate issued by the Chief Electrical Inspector to Government, and availed load on 01.03.2016, but, the said certificate, dated 02.03.2016 has not been filed along with this Writ Petition and what has been filed by the petitioner is only a letter given by them, dated 02.03.2016, and the enclosure to the said letter is nothing but the approval granted on 19.02.2016.

4. The learned Standing Counsel for the respondent/TANGEDCO submitted that the certificate, dated 02.03.2016 has not been produced, and on inspection, it was found that the load sanctioned was much lesser than what was sought for, and there is shortfall, which the petitioner agreed to forfeit, and the petitioner has produced all other factual details, other than the details what is required.

5. In the light of the above facts, this Court is of the view that these issues cannot be adjudicated in this Writ Petition, moreso when relevant materials are not placed before this Court. In any event, the petitioner has given a representation to the second respondent on 08.03.2016, which is stated to have been served in the Office of the second respondent on the same day itself. Therefore, the second respondent is directed to consider the said representation, and take note of all the facts and pass a reasoned order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.
sd

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Chairman and Managing Director,
(TANGEDCO)
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle North
(TANGEDCO)
144, Anna Salai,
Chennai - 600 002.

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate, SR 18426

+ 1 cc to Mr.K.Seshadri, Advocate, SR 18307

lrs (co)
prk28/3

Writ Petition No.10908 of 2016

सत्यमेव जयते

WEB COPY