

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11273 of 2016

Varadha Steels
rep. by its Managing Partner K.A.Babu .. Petitioner

Versus

Union Territory of Pondicherry
rep. by Superintending Engineer-1/
Principal Engineer
Electricity Department
Government of Pondicherry
Pondicherry. ... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondent to refund the sum of Rs.80,00,000/- deposited by the petitioner on 22.03.2006, as per order dated 15.03.2006 in CMP No.1994 of 2006 in CMA No.527 of 2006 and lying with the respondent with interest at the rate of 24% per annum till date of payment in view of the fact that criminal case for alleged theft of energy against the petitioner ceased to exist.

For Petitioner : Mr.N.S.Nandakumar

For Respondent : Mr.A.Tamilvanan
Govt.Advocate (Puducherry)

O R D E R

Heard Mr.N.S.Nandakumar, learned counsel appearing for the petitioner and Mr.A.Tamilvanan, learned Government Advocate (Puducherry) accepting notice for the respondent.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the respondents to refund a sum of Rs.80,00,000/-, which he has deposited pursuant to the order dated 22.03.2006 in C.M.P.No.1994 of 2006 in C.M.A.No.527 of 2006.

3.The learned counsel for the petitioner would state the petitioner Firm succeeded in the proceedings initiated against them and a criminal case initiated against them alleging theft of energy ceased to exist. Therefore, the petitioner not only wants refund for the amount, but also seeks for interest at the rate of 24% p.a.

4.However, at this stage of the matter, no positive direction as sought for by the petitioner could be granted, as it is the case of the petitioner that they have handed over the representation on 29.04.2015, to the respondent in person. In any event, the decision is to be taken at the level of Superintending Engineer.

5.Therefore, the Writ Petition is disposed of by directing the petitioner to submit a fresh representation to the respondent along with the copy of this order, clearly setting out all the facts and enclosing the copies of the relevant Judgment and orders. As and when such representation is filed, the respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of the representation. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

Union Territory of Pondicherry
rep. by Superintending Engineer-1/
Principal Engineer
Electricity Department
Government of Pondicherry
Pondicherry.

+1 cc to Mr.N.S.Nandakumar Advocate sr.19023/16
+1 cc to Government Pleader (Puducherry) High Court
Madras sr19575/16

aa06/04/2016

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