

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Appeal No.1845 of 2011

1. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
800, Anna Salai,
Chennai-2.
2. The Chief Engineer (O&M),
Tamil Nadu Electricity Board,
Vellore Region, Vellore.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri. ... Appellants/Respondents 1 to 3

Vs.

A.R.Metallurgicals Private Limited,
H.T.S.C.No.155/1,
Nallaganakothapalli,
Via Shoolagiri,
Dharmapuri District,
rep. by its Managing Director
Pervez Rahim Khan

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 09.08.2010 made in W.P.No.2754 of 1999
on the file of this Court.

W.P.No.2754 of 1999 : Writ Petition filed under Article 226 of
Constitution of India seeking Writ of Certiorari to call for the
records relating to the impugned proceedings of the Third
Respondent made in Lr. No. SED/GEN/F.Doc.A.R.M.TEE 30/98-99/D
1452/99, dated 31.01.1999/1.3.299 and quash the same.

For Appellants : Mr.M.Varun Kumar

For Respondent : ***C.S.Krishnamoorthy**

J U D G M E N T

(Made by The Hon'ble The Chief Justice)

In the issue of theft of electricity prior to the commencement of the Indian Electricity Act, 2003, the learned Single Judge, by the impugned order dated 09.08.2010, refused to entertain the writ petition of the respondent by delegating it to the appellate remedy. The only aspect is that keeping in mind the provisions of the new Act, the appellate remedy is stated to be before the Special Court constituted under the new Act.

2. In coming to the conclusion, the learned Single Judge has relied on the provision of Section 185 of the new Act stipulating that any order passed under the old Act would be construed to be an order made under the corresponding provision of the present Act. In fact, the matter in issue is really of procedural nature as to where the appeal would lie.

3. We regret that this issue has been hanging fire now for seven years and we find no reason to interfere with the impugned order.

4. The appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

Dated : 21.04.2016

***Corrected as per letter
dated 16.06.2016 and made
herein.**

Sd/- Assistant Registrar(CS IV)

Dated : 17.06.2016

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
800, Anna Salai,
Chennai-2.

2. The Chief Engineer (O&M),
Tamil Nadu Electricity Board,
Vellore Region,
Vellore.

3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.

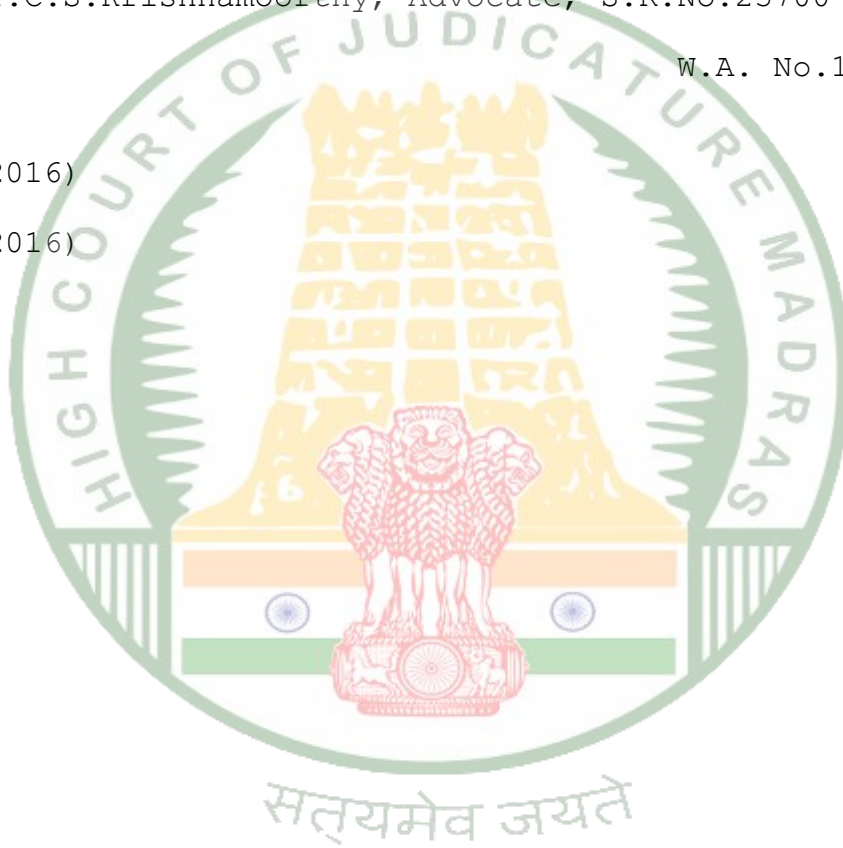
To be Substituted to the
Order already despatched on
02.05.2016

+lcc to Mr.M.Varun Kumar, Advocate, S.R.No.23319
+lcc to Mr.C.S.Krishnamoorthy, Advocate, S.R.No.23700

W.A. No.1845 of 2011

GJ(CO)
CA(27/04/2016)

CA(17.06.2016)



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