

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.19383 of 1997

Sri AKKAMMAL STEELS PVT.LTD.

[PETITIONER]

REP. BY DIRECTOR K.VENKATESH

Vs

1 STATE OF TAMIL NADU
REP.BY SECRETARY TO GOVT.
ENERGY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-9

2 THE INDUSTRIES SECRETARY
GOVERNMENT OF TAMIL NADU
FORT ST.GEORGE, CHENNAI-9.

3 THE TAMIL NADU ELECTRICITY BOARD
REP. BY ITS CHAIRMAN
NPKRR MALIGAI,
800, ANNA SALAI, CHENNAI-2.

4 THE SUPERTENDING ENGINEER
COIMBATORE ELECTRICITY DISTRIBUTION
CIRCLE-NORTH, COIMBATORE.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his letter No.803/SE/IEMC/EET/ AEE2/AE2 dated 27.10.1997, and quash the same and direct the respondent to grant the petitioner H.T.Power tariff concession under the Tamil Nadu Revision of Tariff Rates on supply of Electrical Energy Act, 1978 (Act I of 1979).

For Petitioner .. Mr.A.R.L.Sundareswaran,Sr.Counsel
for Mr.K.Seshadri

For Respondents.. Mr.R.Rajeswaran - R1 & R2
Spl.Government Pleader
Mr.S.K.Rameshuwar -R3 & R4
No appearance - R3

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.A.R.L.Sundareswaran, learned Senior Counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, appearing for the respondents 1 & 2 and Mr.S.K.Rameshuwar, learned Standing Counsel appearing for the respondents 3 & 4.

3. On the last hearing date i.e. on 22.01.2016, after this Court elaborately heard the matter, it appears that the dispute was in a very narrow compass. Therefore, this Court passed the following order:

"2. After some arguments, it has come to light that the issue involved in this Writ Petition lies in a very narrow compass, though several other arguments are capable of being advanced by the petitioner. For the benefit of the tariff concession, the petitioner has to establish that he has expressed his readiness before 14.02.1997, which is a cut off date as held by the Hon'ble Supreme Court in the case of T.N.E.B. v. STATUS SPINNING MILLS LTD., [(2008) 5 MLJ 1267 (SC)].

3. The learned Senior Counsel has referred to the payment receipt dated 28.10.1994, by which the petitioner has remitted the E.M.D., the letter of readiness to the Superintending Engineer dated 10.07.1995, expressing their readiness and the another payment made on 30.01.1996 and the letter given by the petitioner on 08.02.1996, enclosing the documents for execution of agreement.

4. The learned Standing Counsel appearing for the respondent Board is directed to get written instructions in this matter, with regard to the above case. List on 02.02.2016.

4.In terms of the above order, the learned Standing Counsel appearing for the respondent Board was directed to get instructions as to whether the petitioner has expressed his readiness well before the cut off date i.e. on 14.02.1997. The learned Standing Counsel on instructions submitted that the petitioner has conveyed his readiness well before the said cut off date. If that being so, automatically the petitioner is entitled for tariff concession and the impugned order has to be interfered with.

5.It is seen that during the pendency of the writ petition, the petitioner had the benefit of interim stay. Thus, in effect the petitioner has been all along enjoying the benefit of the tariff concession for the period of three years.

6.In the light of the above, the stand taken by the respondent Board confirming that the petitioner has expressed his readiness before 14.02.1997, which is the cut off date, the petitioner is entitled to the tariff concession.

7.In the result, the Writ Petition stands allowed and the impugned order is quashed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

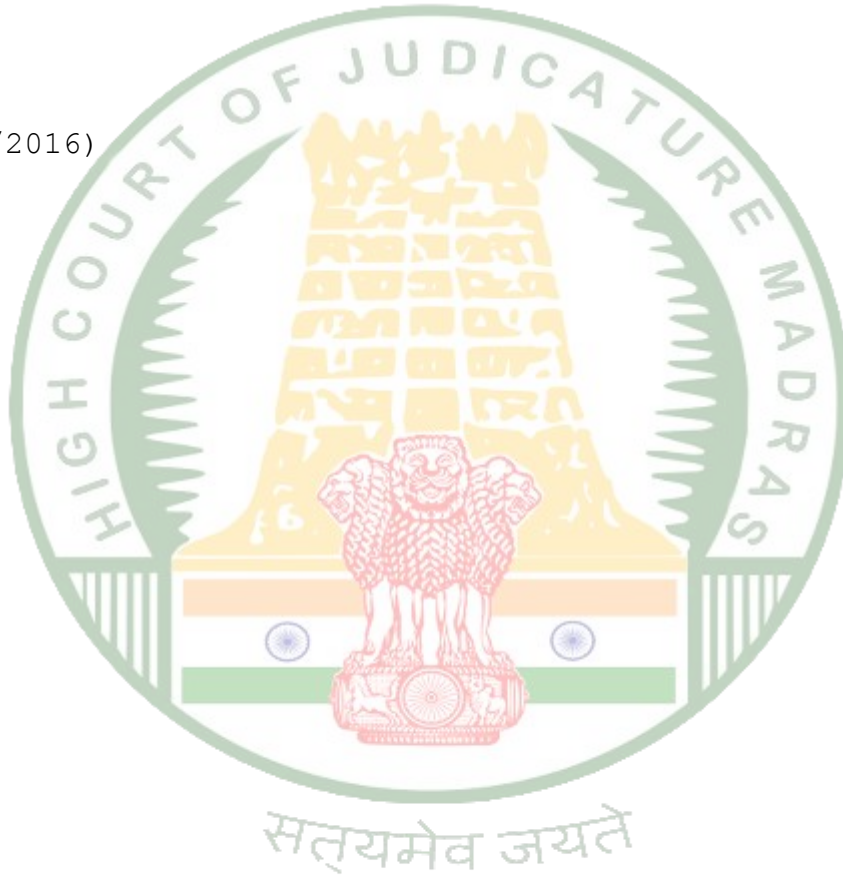
- 1 STATE OF TAMIL NADU
REP.BY SECRETARY TO GOVT.
ENERGY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-9
- 2 THE INDUSTRIES SECRETARY
GOVERNMENT OF TAMIL NADU
FORT ST.GEORGE, CHENNAI-9.
- 3 THE TAMIL NADU ELECTRICITY BOARD
REP. BY ITS CHAIRMAN
NPKRR MALIGAI,
800, ANNA SALAI, CHENNAI-2.

4 THE SUPERTENDING ENGINEER
COIMBATORE ELECTRICITY DISTRIBUTION
CIRCLE-NORTH, COIMBATORE.

+1cc to Mr.s.K.Raameshuwar, Advocate, S.R.No.7034
+1cc to Mr.K.Seshadri, Advocate, S.R.No.6763
+1cc to the Government Pleader, S.R.No.6941

W.P.No.19383 of 1997

rv(CO)
srg(11/02/2016)



WEB COPY