

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

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

Writ Petition No.12766 of 2016

&

W.M.P.No.11168 of 2016

M/s.Umasankar Alloys (P) Ltd
Rep. by its Manager V.Govindkumar
Plot No. 39 SIPCOT (Phase-II) Industrial
Complex Hosur-635 109 ...Petitioner

Vs.

- 1 The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd 10th Floor NPKRR Maaligai
144 Anna Salai Chennai-600 006
- 2 The Superintending Engineer
Tamilnadu Generation and Distribution
Corporation Ltd Krishnagiri Electricity
Distribution Circle Krishnagiri
Krishnagiri District ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to give waiver of the penalty amount of Rs. 2.15 crores by accepting the payment of Rs. 5.30 crores towards full and final settlement of the demand made under the proceedings made in Lr. SE/KEDC/DFC/AAO/HT/AS/RCS-HT/F.HTSC No. 347/D. No. 118/15 dated 11.06.2015 by considering the petitioner representation dated 31.03.2016.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.Varunkumar

O R D E R

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Petitioner seeks for issuance of a writ of Mandamus to grant waiver of the penalty amount of Rs. 2.15 crores by accepting the payment of Rs. 5.30 crores towards full and final settlement of the demand dated 11.06.2015, by considering the petitioner's representation dated 31.03.2016. In the said representation the petitioner has pointed out as to how they are entitled to the relief sought for.

3. It is not in dispute that the 2nd respondent is in receipt of the said representation. However, it is not known as to why the petitioner did not approach this Court earlier but in the interregnum they have remitted a sum of Rs.5,48,34,213/-. In any event, the representation being pending before the 2nd respondent, in fitness of things the 2nd respondent should consider the same. The petitioner would state that under the threat of disconnection, the respondents have recovered the money from the petitioner which they are not entitled to pay. Further more, it is submitted that without notice to the petitioner the demand was made and under the threat and coercion amounts were collected.

4. Since, the representation given by the petitioner is pending consideration before the 2nd respondent, there will be a direction to the 2nd respondent to consider the same (dated 01.04.2016) to afford an opportunity of personal hearing to the petitioner to appear through its authorised representative and after hearing them in person and perusing all the documents they may place at the time of enquiry, the 2nd respondent is directed to pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Till such orders are passed ther electricity supply granted to the petitioner shall not be disconnected. However, the petitioner shall continue to pay the consumption charges as per the meter reading.

5. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

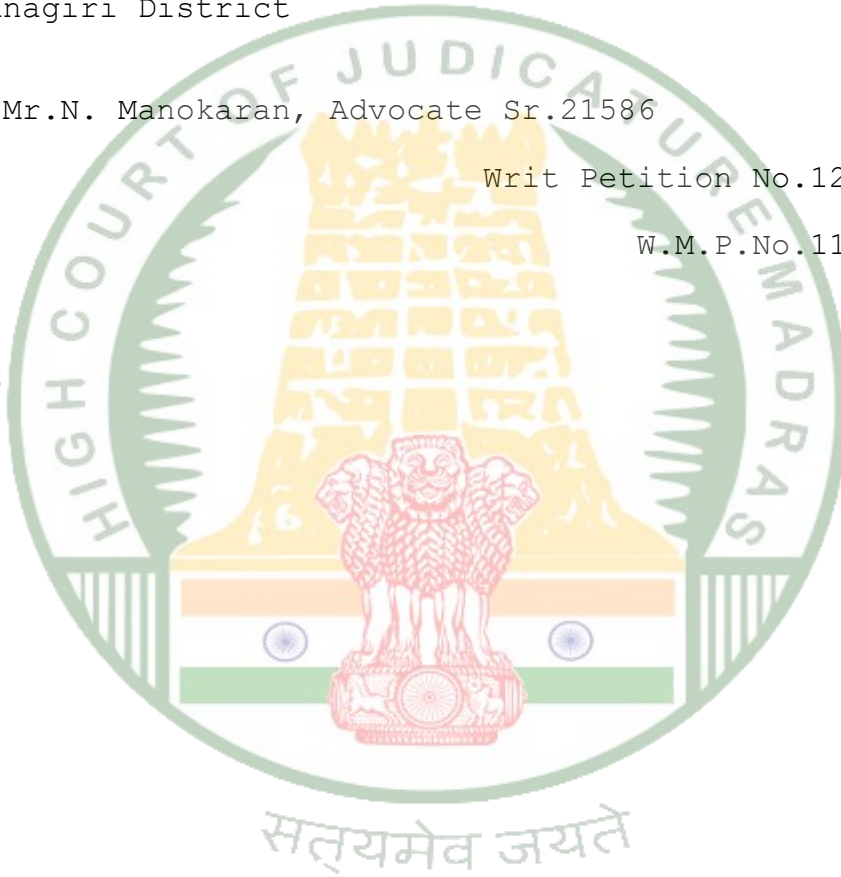
To

- 1 The Chairman
Tamilnadu Generation and Distribution
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Tamilnadu Generation and Distribution
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Distribution Circle Krishnagiri
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+ 1 cc to Mr.N. Manokaran, Advocate Sr.21586

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VD(CO)
Eu 26.4.16



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