

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.A. No.1207 of 2006

M/s.Kumaran Chemicals
rep. By its Managing Partner,
D.Thillairaj Appellant/Petitioner

-Vs-

1. The Executive Engineer-V,
Electricity Department,
Karaikkal, Pondicherry.
2. The Assistant Engineer / Urban
T.R.Pattinam, Karaikkal,
Pondicherry. ... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 25.08.2006 in W.P.No.25873 of 2006 on the file of this Court.

W.P.No.25873 of 2006 : Petition presented to this Court to issue a Writ of Certiorari Mandamus, calling for the records of the first respondent in Lr.No.787/EDK/EE V/JE/F. Kumaran/2006-2007, dated 8.8.2006 and quash the same as illegal, arbitrary and against the principles of Natural Justice and the provisions of the Electricity Act 2003 and consequently direct the respondents to consider the reply given to the show cause notice No.786/EDK/EE V/JE/F.Kumaran/2006-2007 dated 8.8.2006 and pass orders in accordance with the Electricity Act 2003 after furnishing the required down loan dates and affording reasonable opportunity of being heard to the petitioner.

For Appellant	:	Mr.AR.L.Sundaresan, Senior Counsel For Mr.K.Seshadri
For Respondents	:	Mr.M.Govindaraj Government Pleader (Puducherry)

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Heard the learned counsel for parties at length.

2. In view of the provisional determination order under Section 126 of the Electricity Act, 2003, (hereinafter referred to as 'the said Act') has ultimately given rise to final determination order and the amount levied in the final determination order is less than the amount stated in the provisional determination order, it is agreed that the petitioner will deposit the full amount assessed by the final determination order less the amount already deposited. This would, of course, be subject to the ultimate determination under Section 135 read with 154 of the said Act. The amount be deposited on or before 31.08.2016.

3. In case, the criminal proceedings fail against the petitioner, then the final determination made under Section 126 of the said Act would attain finality. If the charge sheet has been filed, the Special Court to expeditiously proceed with the matter as the issue is quite old.

4. Writ appeal, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sra

To

1. The Executive Engineer-V,
Electricity Department,
Karaikkal, Pondicherry.
2. The Assistant Engineer / Urban
T.R.Pattinam, Karaikkal,
Pondicherry.

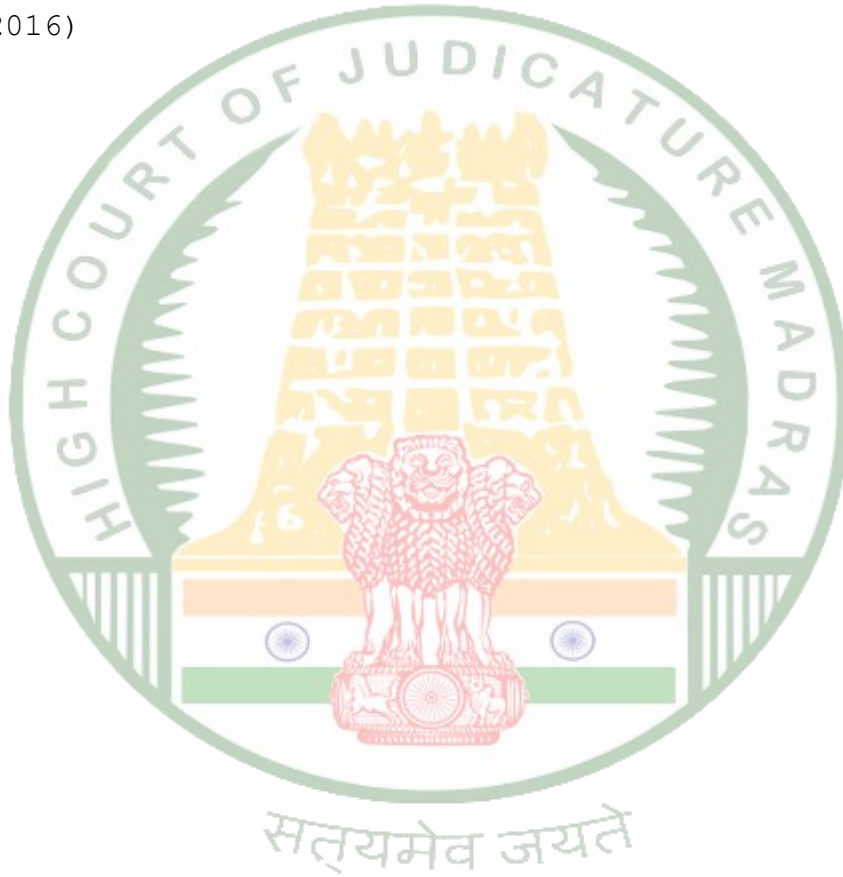
3. The Special Court / Additional
District Court, Pondicherry
at Karaikkal.

+lcc to Mr.K.Seshadri, Advocate, S.R.No.41171

+lcc to the Government Pleader(Pondicherry), S.R.No.41502

W.A.No.1207 of 2006

NM(CO)
CA(05/08/2016)



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