

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.P. No.11354 of 2007

M/s.Kumaran Chemicals

rep. By its Partner, D.Thangaraj.

.. Petitioner

-Vs-

1. The Superintending Engineer-II,
Electricity Department,
Puducherry 605 001.

2. The Executive Engineer-V,
Electricity Department,
Karaikkal, Pondicherry.

3. The Assistant Engineer / Urban
T.R.Pattinam, Karaikkal,
Pondicherry.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the second respondent in Lr.No.512/EDK/EEV/JE/ F.Kumaran/2006-2007 dated 25.02.2007 and the Provisional Assessment order in No.3039/ED/SE-II/Tech-II/F.Kumaran Chemicals/ 06-07 Pondicherry dated 6.3.2007 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 act in accordance with the provisions of Electricity Act 2003 after furnishing the down load datas and affording reasonable opportunity of being heard to the petitioner.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
For Mr.K.Seshadri

For Respondents : Mr.M.Govindaraj
Government Pleader (Puducherry)

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The provisional determination order has been made under Section 126 of the Electricity Act, 2003, (hereinafter referred to as 'the said Act') but the final determination order has not been made. As per interim directions, the petitioner has deposited a sum of Rs.25 lakhs. It is agreed that this interim arrangement would continue till the final determination order is passed and on the final determination order being passed, whatever is found due shall be deposited less the amount already deposited of Rs.25 lakhs. Of course, the finality to the issue would come only when the determination takes place by the Special Court under Sections 135 read with 154 of the said Act.

2. 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.

3. Writ petition, accordingly, stands disposed of.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

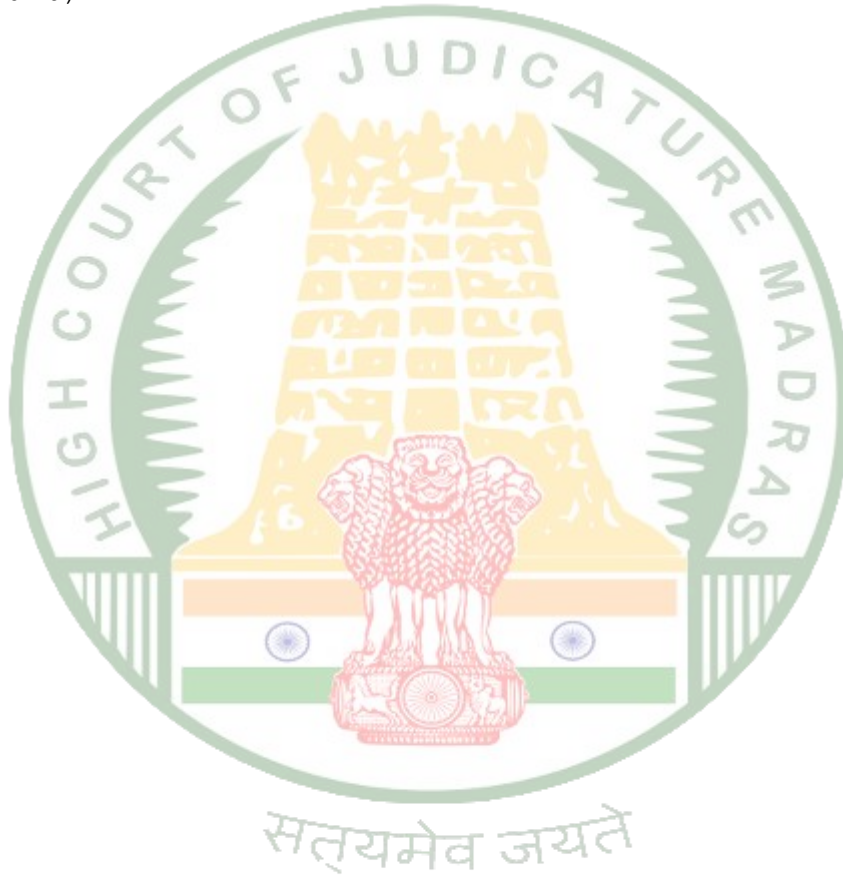
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3. The Assistant Engineer / Urban
T.R.Pattinam, Karaikkal,
Pondicherry.

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

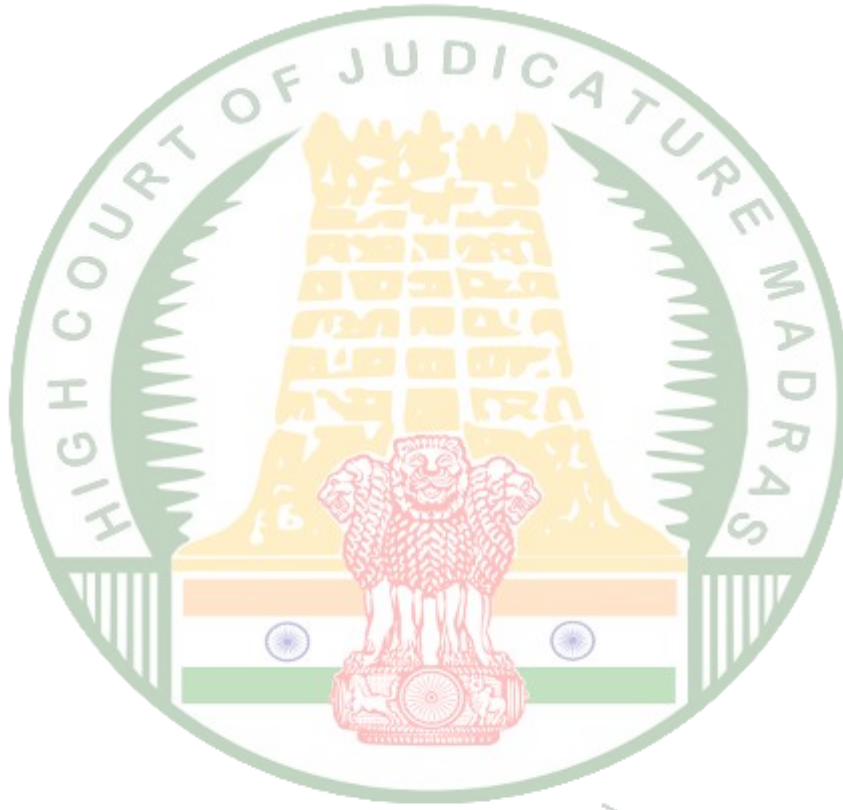
+1cc to the Government Pleader (Puducherry), S.R.No.41504

W.P.No.11354 of 2007

(CO)
CA(05/08/2016)



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