

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.A.No.348 of 2017

SIVASHREE SPINNERS (INDIA) PVT. LTD.
REPD. BY ITS MANAGING DIRECTOR,
SUNDARRAJ, HAVING REGISTERED OFFICE AT
NO.39/41, SENGUPTHA STREET
RAMNAGAR, COIMBATORE - 641 009. .. Appellant/Petitioner

Vs.

- 1 THE COIMBATORE ELECTRICITY
DISTRIBUTING CIRCLE / SOUTH
REP. BY ITS SUPERINTENDING ENGINEER (O&M)
TAMIL NADU ELECTRICITY BOARD
COIMBATORE - 641 012.
- 2 THE EXECUTIVE ENGINEER (O&M)
TAMIL NADU ELECTRICITY BOARD
NEGAMAM REVENUE BRANCH
NEGAMAM, COIMBATORE DISTRICT.
- 3 THE ASSISTANT ENGINEER (O&M)
TAMIL NADU ELECTRICITY BOARD
THAMARAIKULAM SECTION
COIMBATORE DISTRICT.
- 4 THE JUNIOR ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED, CEDC/SOUTH
THAMARAIKULAM-642 209. .. Respondent/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent
against the order of the learned Single Judge dated
21.2.2017 made in W.P.No.2327 of 2017.

Prayer in W.P. No 2327 of 2017:Petition under Article 226
of the Constitution of India, praying for the issue of a
writ of certiorarified mandamus, calling for the records
relating to the impugned bail for service connection A/C No

356-004-1336 issued by the fourth respondent dated 20.01.2017 and quash the same and consequently direct the respondents herein to forthwith effect supply of electricity to the petitioner company bearing service connection A/C. No 356-004-1336.

For Appellant : Mr.K.Selvarangan

For Respondents : Mr.S.K.Raameshuwar

JUDGMENT

(Delivered by the Acting Chief Justice)

The unsuccessful petitioner has filed this appeal challenging the order passed by the learned Single Judge on 21.2.2017 in W.P.No.2327 of 2017.

2. Assailing the proceedings of the respondent authorities directing the appellant to pay a total sum of Rs.11,51,498/- as on 20.1.2017 to restore the electricity service connection, the appellant has filed the writ petition.

3. The learned Single Judge, by order dated 21.2.2017 which is under challenge in this appeal, dismissed the writ petition holding that the demand made is a pre-condition for restoration of the electricity service connection and, therefore, the same was justified.

4. The learned counsel for the appellant submitted that the appellant may be permitted to make the payment due in two instalments.

5. On hearing the learned counsel for the parties, without going into the merits of the order passed by the learned Single Judge, we pass the following order:

(a) the appellant is directed to pay a sum of Rs.5 Lakhs within a week from the date of receipt of a copy of this order;

(b) the balance amount shall be paid within three months and the respondent authorities are directed to take it as a matter of concession and not to charge interest on the remaining amount to be paid as a matter of one time settlement; and

(c) On payment of the first instalment of Rs.5 Lakhs, the respondent authorities are directed to forthwith restore the electricity service connection to the appellant.

The appeal is disposed of accordingly. No costs.
Consequently, C.M.P.No.5347 of 2017 is closed.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To:

- 1 THE SUPERINTENDING ENGINEER (O&M)
THE COIMBATORE ELECTRICITY
DISTRIBUTING CIRCLE / SOUTH
TAMIL NDADU ELECTIRCITY BOARD
COIMBATORE - 641 012.
- 2 THE EXECUTIVE ENGINEER (O&M)
TAMIL NADU ELECTRICITY BOARD
NEGAMAM REVENUE BRANCH
NEGAMAM, COIMBATORE DISTRICT.
- 3 THE ASSISTANT ENGINEER (O&M)
TAMIL NADU ELECTRICITY BOARD
THAMARAIKULAM SECTION
COIMBATORE DISTRICT.
- 4 THE JUNIOR ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED, CEDC/SOUTH
THAMARAIKULAM-642 209

+1 CC to Mr.K.Selvarangan, Advocate sr 18243

W.A.No.348 of 2017

NMI (CO)
sp/5/4

WEB COPY