

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.21867 of 2017 &
W.M.P.No.22880 of 2017

M/s.Sree Kumaran Buildings
Rep. by its Managing Partner Mr.P.Prabhu
S/o.Mr.P.C.Ramamoorthy
No.12, Nageswara Rao Road
T. Nagar, Chennai - 17

...Petitioner

v.

1.Superintending Engineer
CEDC/Central, TANGEDCO
Valluvarkottam High Road
Chennai - 600 034

2.Superintending Engineer/Operations
Korattur, TANGEDCO
Chennai

3.Assistant Executive Engineer
T.Nagar/South/O & M
CEDC/Central, TANGEDCO
No.57, Bazullah Road
T.Nagar, Chennai - 17

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st and 2nd respondents herein to receive the appeal petition along with 50% payment of the demanded penalty amount as against the order dated 03.07.2017 in proceedings D.No.144/2017 issued by the 3rd respondent for alleged violations under section 126 of the Electricity Act, 2003 with regard to unauthorised usage of electricity provided at premises No.12, Nageswara Rao Road, T.Nagar, Chennai - 17 by condoning the delay of 15 days and to direct the respondent authorities to consider the appeal and dispose of the same.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.P.R.Dilip Kumar
Standing Counsel

O R D E R

Heard Mr.R.Mohan, learned counsel appearing for the petitioner and Mr.P.R.Dilip Kumar, learned Standing Counsel, who takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to receive the appeal petition along with 50% payment of the demanded penalty amount as against the order dated 03.07.2017 in the proceedings of the the 3rd respondent for alleged violations under section 126 of the Electricity Act, 2003 with regard to unauthorised usage of electricity provided at premises No.12, Nageswara Rao Road, T.Nagar, Chennai - 17 by condoning the delay of 15 days and to direct the respondent authorities to consider the appeal and dispose of the same, in accordance with law.

3. The learned counsel appearing for the petitioner submitted that as per the provisions of section 127 of the Electricity Act, when the petitioner presented the appeal along with 50% of the payment of the demanded penalty amount before the 1st respondent, the 1st respondent refused to receive the appeal papers along with the demand draft towards 50% of the payment.

4. Admittedly, under section 127 of the Electricity Act, the limitation for filing an appeal is 30 days. However, the respondents 1 and 2 can consider the reasons for the delay in filing the appeal separately and there is no impediment for the respondents 1 and 2 in receiving the papers submitted by the petitioner along with the Demand Draft.

5. Mr.P.R.Dilip Kumar, learned Standing Counsel appearing for the respondents submitted that suitable direction may be given to the respondents 1 and 2 for deciding the condonation petition, in accordance with law.

6. In these circumstances, I direct the respondents 1 and 2 to receive the papers submitted by the petitioner along with the Demand Draft towards 50% of the payment of penalty along with a petition seeking for condonation of the delay of 15 days. The

respondents 1 and 2 shall decide the application for condonation of the delay on merits and in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

1. Superintending Engineer
CEDC/Central, TANGEDCO
Valluvarkottam High Road
Chennai - 600 034
2. Superintending Engineer/Operations
Korattur, TANGEDCO
Chennai
3. Assistant Executive Engineer
T.Nagar/South/O & M
CEDC/Central, TANGEDCO
No.57, Bazullah Road
T.Nagar, Chennai - 17

+1 cc to Mr.P.R.Dhilipkumar Advocate sr 58930

+1 cc to Mr.R.Mohan Advocate sr 58815

W.P.No.21867 of 2017 &
W.M.P.No.22880 of 2017

aa17/08/2017