

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.Nos.13658 and 13659 of 2017
and W.M.P.Nos.14843 and 14844 of 2017

Exide Industries Limited,
Rep. by Mr.K.Saravanan
Regional Manager-Administration,
Factory at:

Survey No.246 etc.

Chichurakanapalli,

Sevaganapalli Panchayat,

Hosur Taluk, Krishnagiri District,

Tamil Nadu - 635 103.

.. Petitioner in both W.Ps

Versus

1.Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),

Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.

2.The Chief Financial Controller,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

... Respondents in both W.Ps.

Prayer in W.P.No.13658 of 2017: Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, calling for the records pertaining to Lr.No.SE/KEDC/DFC/AAO-HT/AS/F.CGP Status/D.No.30 dated 19.05.2017 passed by the third respondent and quash the same.

Prayer in W.P.No.13659 of 2017: Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, calling for the records pertaining to Lr.No.SE/KEDC/DFC/RCS/AAO-HT/F.CGP Status/D.No.52 dated 19.05.2017 passed by the third respondent and quash the same.

For Petitioner
in both W.Ps : Mr.S.Sivasankar

For Respondents
in both W.Ps : Mr.Manishankar
Additional Advocate General
Assisted by Mr.Varunkumar

COMMON ORDER

In view of the common issue involved in both these writ petitions, a common order is passed.

2.The petitioner has challenged the impugned notices dated 19.05.2017, by which certain documents have been sought for, for the purpose of verification in pursuant to the interim order passed by this Court in a batch of writ petitions. The subject matter of those writ petitions is with respect to the proposed action of the respondents and thus, a challenge has been made questioning the very jurisdiction.

3.Therefore, as submitted by the learned Additional Advocate General, these impugned notices are an incidental one in compliance with the order passed by this Court. secondly, by the said notice, the petitioner was asked to furnish the particulars. Therefore, a decision on merit is yet to be taken. Hence, it cannot be presumed that the decision would be against the petitioner. There is one more aspect which has to be looked into, which is in paragraph No.6 of the impugned notices, which clearly says that in view of the interim orders of this Court being in force as on today, the provisional amount shall not be demanded. Hence, the writ petitions filed are pre-mature. It is made clear that what is applicable to the case of others is made applicable to the case of the petitioner also. It is also open to the petitioner to file a separate writ petition challenging the jurisdiction of the respondents as done in the case of others.

4.Accordingly, the writ petitions stand disposed of making it clear that all the issues are left open to be decided in the pending writ petitions. The respondents shall not take any steps to recover the amount pending the aforesaid decision. It is needless to state that such decision would also have impact on the case of the petitioner provided a decision to be taken on the materials available including those provided to the petitioner would presume to go against it. For the purpose of clarity, a statement is made by the learned Additional Advocate General that the demand, if any, to be raised against the

petitioner will not be enforced till the adjudication in the pending writ petitions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cse

To

- 1.The Chairman and Managing Director,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
- 2.The Chief Financial Controller,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
- 3.The Superintending Engineer,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

+2cc to Mr.M.Varunkumar,Advocate sr.39874 and 39873

+2cc to Mr.S.Sivasankar,Advocate sr.39512 and 39513

W.P.Nos.13658 and 13659 of 2017
and W.M.P.Nos.14843 and 14844 of 2017

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ss(16/6/2017)

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