IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.34280 of 2003 and 7868 of 2004

Prakash Textiles,
Rep. by its Proprietor M.K.Govindaraju,
53, Trichy Road,
Chinthamanipudur,
Coimbatore-641 103. .. Petitioner in both the Writ Petitions

Vs.

1. The Secretary to Government,
   Government of Tamil Nadu,
   Energy Department,
   Fort St.George, Chennai-9.

2. The Chairman,
   Tamil Nadu Electricity Board,
   Anna Salai,
   Chennai.

3. The Member-Distribution,
   Tamil Nadu Electricity Board,
   Anna Salai,
   Chennai.

4. The Executive Engineer,
   Tamil Nadu Electricity Board,
   Negamam,
   Coimbatore District.

5. The Asst. Accounts Officer,
   Revenue Branch,
   Tamil Nadu Electricity Board,
   Negamam, Coimbatore District.

.. Respondents in W.P.No.34280 of 2003

1. The Executive Engineer,
   Tamil Nadu Electricity Board,
   Ondipudur, Coimbatore District.

2. The Superintending Engineer,
   T.N.E.B., CEDC/Metro,
   Coimbatore.

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3. The Asst. Accounts Officer,
   Revenue Branch,
   Tamil Nadu Electricity Board,
   Negamam, Coimbatore District.
                .. Respondents in W.P.No.7868 of 2004

Writ Petition No.34280 of 2003 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call upon the Board Proceedings of the second respondent in PER BP (FB) 18, dated 29.12.2001 and quash the same and direct the respondents to levy the current consumption deposit and additional current consumption deposit only on the basis of 45 days on par with HT service connection.

Writ Petition No.7868 of 2004 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to refund the amount of Rs.95,880/- paid by the petitioner against the additional current consumption charges or to adjust the said amount in the future current consumption charges of the petitioner of its service connection in LTCT No.41, Chinthamanipudur, Coimbatore.

For petitioner : Mr.Umapathy in both W.Ps.
For respondents : Mr.S.Diwakar,
Spl.G.P. for R-1 in W.P.No.34280 of 2003
Mr.S.K.Raameshuwar for
RR-2 to 5 in W.P.No.34280 of 2003
and for respondents in W.P.No.7868 of 2004

COMMON ORDER

Writ Petition No.34280 of 2003 is filed for issuance of a Writ of Certiorarified Mandamus to call upon the Board Proceedings of the second respondent in (PER) BP (FB) 18, dated 29.12.2001 and quash the same and direct the respondents to levy the current consumption deposit and additional current consumption deposit only on the basis of 45 days on par with HT service connection.

2. Writ Petition No.7868 of 2004 is filed for issuance of a Writ of Mandamus to direct the respondents to refund the amount of Rs.95,880/- paid by the petitioner against the additional current consumption charges or to adjust the said amount in the future current consumption charges of the petitioner of its service connection in LTCT No.41, Chinthamanipudur, Coimbatore.

3. The issue involved in both these Writ Petitions, is covered by a decision of a Division Bench of this Court in Writ Petition No.15469 of 2007 batch, dated 18.08.2007, whereby, this

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Court dismissed the Writ Petitions challenging the enhancement and the demand of additional current deposit by the Tamil Nadu Electricity Board and permitted the petitioners therein to make the deposit in seven equal monthly instalments.

4. Following the said order of the Division Bench of this Court, dated 18.08.2007, the present Writ Petitions are also disposed of, permitting the petitioner to comply with the impugned proceedings in W.P.No.34280 of 2003, dated 29.12.2001 issued by the second respondent by making the deposit in seven equal monthly instalments, commencing from 01.11.2017. The subsequent instalments shall be paid by the petitioner, on or before the first of every succeeding month, till the entire amount due in question, is deposited. Further, it is open for the respondents in both the Writ Petitions to proceed against the petitioner-Company in accordance with law, as per the impugned proceedings, dated 29.12.2001 and bring the issue to a logical conclusion. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
   Government of Tamil Nadu,
   Energy Department,
   Fort St.George, Chennai-9.

2. The Chairman,
   Tamil Nadu Electricity Board,
   Anna Salai,
   Chennai.

3. The Member-Distribution,
   Tamil Nadu Electricity Board,
   Anna Salai,
   Chennai.

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4. The Executive Engineer,
   Tamil Nadu Electricity Board,
   Negamam,
   Coimbatore District.

5. The Asst. Accounts Officer,
   Revenue Branch,
   Tamil Nadu Electricity Board,
   Negamam, Coimbatore District.

6. The Executive Engineer,
   Tamil Nadu Electricity Board,
   Ondipudur,
   Coimbatore District.

7. The Superintending Engineer,
   T.N.E.B.,
   CEDC/Metro,
   Coimbatore.

+1 Cc to Ms. Kaavya Silambanan, Advocate sr 72188.
+1 Cc to Govt. Pleader sr 72122.

W.P.Nos.34280 of 2003
and
7868 of 2004

RR(CO)
SP(06/11/2017)

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