IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH, ACJ
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A.No.1724 of 2018
and
C.M.P.No.13789 of 2018

S.Ramanujam Appellant

Versus

1 The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd.
No- 144 Anna Salai
Chennai - 600002

2 Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.
O&M/ Purasaiwakkam CEDC/Central
Kilpauk Chennai - 600010

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 5.7.2018 passed in W.P.No.16577 of 2018 on the file of this court.

WP 16577/18 is filed under Article 226 of the constitution of India praying for the issuance of writ of certiorai Calling for the records from the respondents pertaining to the Impugned Order bearing Lr. No. AE/ O&M/ PWKM/ F.Rev/ D. 180 dated 13.06.2018 relating to Consumer No. 148-015-271 quash the same

For appellant : Mr.B.Christ Das

For respondent : Mr.P.R.Dhilipkumar

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JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned counsel, who takes notice on behalf of the respondents.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition and thereby declining to interfere with the impugned order directing the appellant/writ petitioner to pay the dues of electricity charges to the tune of Rs.1,92,174/- for the period from April 2009 to April 2012.

3. The stand taken by the appellant/writ petitioner is that the already a demand was made vide order dated 19.12.2017 for the same amount and for the same period which was quashed in W.P.No.1193 of 2018 and hence, there cannot be a claim for the same period and the claim is also barred by limitation.

4. It is relevant to note that in para 3 of the order, the learned Single Judge has observed that in W.P.No.1193 of 2009, the earlier demand was quashed only on the ground that it was made without any notice to the writ petitioner and it is bereft of details with regard to the quantum of demand and therefore, the matter was remanded to the authority for fresh consideration after affording opportunity and therefore, the present demand, made by the authorities after complying with such procedure, cannot be interfered with. Moreover, we find that the electricity connection, in respect of which the demand is made, is said to be for a commercial purpose and the claim of dues is for a period of three years.

5. In that view of the matter, we do not find any infirmity in the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

ssk.

To:

1 The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd.
No- 144 Anna Salai, Chennai - 600002

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2 Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.
O&M/ Purasaiwakkam CEDC/Central
Kilpauk Chennai - 600010

+1cc to Mr.P.R.Dhilipkumar, Advocate SR.No.55233

W.A.No.1724 of 2018

GMY(28/09/2018)

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