

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2018

Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice P. D. Audikesavalu

W.A.No.207 of 2018
and
C.M.P.No.1588 of 2018

M/s. Syndicate Fashions Pvt. Ltd.,
rep. by its Director, Mr. Sunder.

...Appellant

Vs.

1. The Tamilnadu Generation and Distribution Corporation Ltd.,
rep. its Chairman, Anna Salai Chennai-02.
2. The Assistant Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd.
Poonamallee, Chennai- 56.
3. The Assistant Accounts Officer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Guindy Revenue Branch,
Tamil Nadu Electricity Board, Alandur,
Chennai - 01.

...Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, 1865, against the order, dated 10.01.2018, in W.M.P.No.540 of 2018, in W.P.No.470 of 2018, insofar as it imposes a condition of paying the entire sum claimed under the impugned order.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) Issue a writ of certiorarified mandamus or any other appropriate writ or direction to call for the records in proceedings in Ka.No.E.NI.Po/ESAPA/POOVAI/THO/KO.No.68, dated

29.12.2017, on the file of 2nd respondent and quash the same as illegal, incompetent and further direct the respondents to conduct enquiry contemplated as per section 56 of Electricity Act, 2003(in WP.No.470/2018)and

(ii)Stay all further proceedings in Ka.No.E.NI.Po/ESAPA/POOVAI/THO/KO.No.68, dated 29.12.2017, on the file of 2nd respondent, (in WMP.No.540/2018) pending disposal of the above WP.No.470/2018 respectively.

For Appellant : Mr. V.Lakshminarayanan

For Respondents : Mr.S.K.Rameshwar

Standing Counsel

JUDGMENT

(Judgement of the Court was delivered by R.Subbiah,J.)

This Writ Appeal is an inhouse Appeal against the interim order passed in W.M.P.No.540 of 2018 of W.P.No.470 of 2018, dated 10.01.2018.

2. Challenging the demand raised by the respondent/Corporation, dated 29.12.2017, whereby, the writ petitioner was directed to pay a sum of Rs.1,78,229/-, the writ petitioner has filed a Writ Petition, and sought for stay of all further proceedings pursuant to the impugned demand, by taking out a Miscellaneous Petition, in W.M.P.No.540 of 2018. The learned Single Judge, while entertaining the Writ Petition, granted an order of interim stay, with a proviso, requiring the writ petitioner to deposit the entire impugned claim. Aggrieved by the conditional stay order and finding the same to be onerous, the present intra Court's Appeal has been preferred.

3. Heard Mr. V.Lakshminarayanan, the learned counsel appearing for the appellant and Mr.S.K.Rameshwar, the learned Standing Counsel for the respondent/Corporation.

4. When the Appeal is taken up for hearing today, though the learned counsel appearing for the appellant advanced arguments stoutly refuting the impugned demand raised by the respondent/Corporation, would submit that, the appellant would be ready and willing to remit a sum of Rs.75,000/- and prays that, the respondent/Corporation may be directed not to disconnect the power supply.

5. In the light of the above, the condition imposed by the Writ Court, requiring the appellant/writ petitioner to pay the entire impugned demand raised by the respondent/Corporation is

modified to the effect that the appellant/writ petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) in the name of the Registrar General, High Court, Madras, in any of the Nationalized Banks as a Fixed Deposit, initially, for a period of one year and the same shall be renewed periodically till the disposal of the Writ Petition. The direction issued hereinabove shall be complied with by the appellant within a period of two weeks from the date of receipt of a copy of this Judgement, and he shall produce relevant proof, concerning the deposit made, before the Registrar General High Court, Madras. Till further orders are passed in the Writ Petition, the respondent/Corporation is directed not to disconnect the electricity service connection to the appellant's premises.

6. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

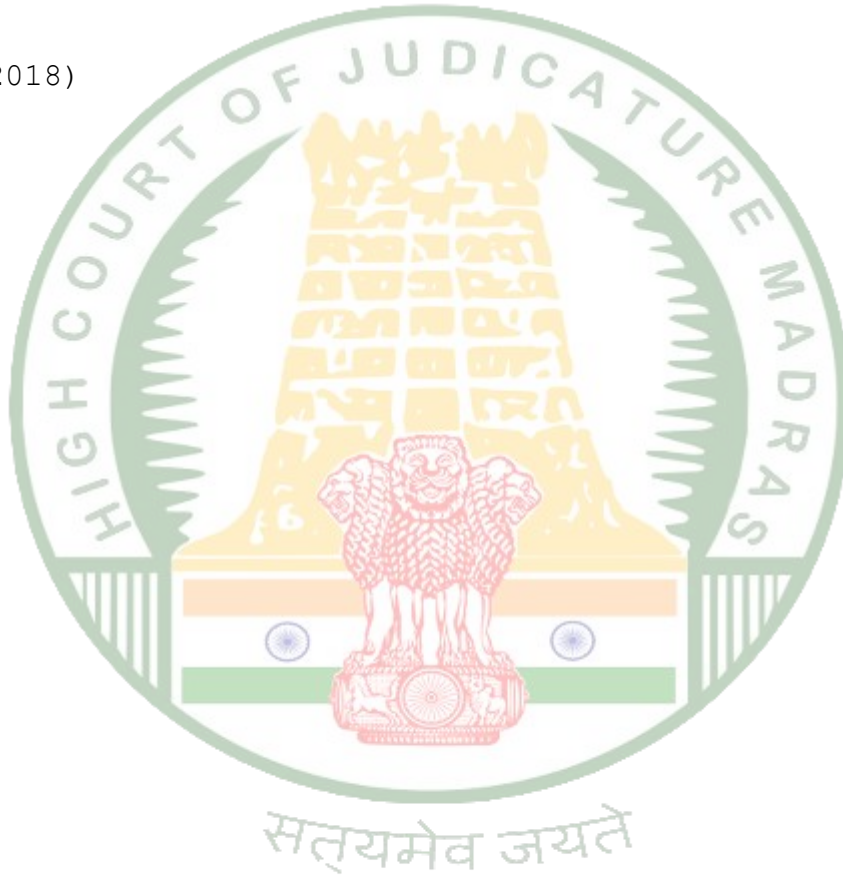
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3. The Assistant Accounts Officer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Guindy Revenue Branch,
Tamil Nadu Electricity Board, Alandur,
Chennai - 01.
4. The Registrar General
High Court, Madras.

5. The Section officer
Accounts Section, High Court, Madras

+1 Cc to M/s.S.K. Rameshwar, Advocate sr 22116.

W.A.No.207 of 2018

PPA (CO)
SP (27/03/2018)



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