

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.10091 of 2004

P.Shanmugham

... Petitioner

Vs.

The Assistant Engineer
Operation & Maintenance West
Tamil Nadu Electricity Board
Puliyur, Karur District.

.... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned proceedings in Ka.No.U.Mee.Po/O&M/West/Puliyur/Ko.No.191/2003 dated 7.11.2003 quash the same and consequently direct the respondent to reduce the sanctioned load for service connection of the petitioner in S.C.No.688, Vellalapatti, Karur.

For Petitioner : Mr.P.Srinivas

For Respondent : Mr.P.Gururaj

O R D E R

The Petitioner, who has an electricity service connection bearing No.688 with a sanctioned load of 85 HP at Industrial Shed No.1, SIDCO, S.Vellaalapatti, Karur District had requested the Respondent to reduce the same to 35 HP. The said request was rejected by the Respondent by order dated 07.11.2003 for the only reason that the Petitioner has filed a Writ Petition bearing W.P. No. 18014 of 1997 in this Court relating to another service connection bearing S.C.No.179 Tr.III-B (CC 57 HP + 1500 W), which was insisted to be withdrawn.

2.Heard Mr.P.Srinivas, learned counsel appearing for the Petitioner and Mr.P.Gururaj, learned counsel appearing for the Respondent.

3.Mr.P.Srinivas, learned counsel appearing for the Petitioner would submit that the Petitioner has now closed down the unit for which the reduction of load has been refused in the impugned order. He further brings it to the notice of this Court that the Writ Petition bearing W.P.No.18014 of 1997 has been disposed by this Court on 06.10.2004, after filing of this Writ Petition by directing the Petitioner to approach the Appellate Authority on paying 50% of the compensation amount therein and the Petitioner after paying the sum of Rs.3,700/- vide P.R.No.323446 dated 04.11.2004, has filed the appeal to the Superintending Engineer KEDC Karur which is still pending. He further contends that the said appeal may be directed to be disposed within a time frame. It is confirmed by Mr.P.Gunaraj, learned Standing Counsel appearing for the Respondent that the said appeal is still pending for consideration before the Appellate Authority.

4.In view of the said submissions made, it shall be incumbent upon the Superintending Engineer, KEDC Karur to expeditiously dispose the appeal preferred by the Petitioner in respect of S.C.No.179 3 F III B after affording sufficient opportunity of hearing to the Petitioner and pass reasoned orders on merits in accordance with law and communicate the decision taken to the Petitioner by 30.09.2018.

5.As already noticed, the Writ Petition bearing W.P.No.18014 of 1997 is no longer pending before this Court and hence, if the Petitioner communicates to the Respondent by 16.08.2018 that his request for reduction of sanctioned load be reduced from 85 HP to 35 HP still continues, the same shall be considered by the Respondent and after affording opportunity of personal hearing to the Petitioner, reasoned orders shall be passed on merits in accordance with law and the decision taken communicated to the Petitioner by 31.08.2018.

6.The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Engineer
Operation & Maintenance West
Tamil Nadu Electricity Board
Puliyur, Karur District.

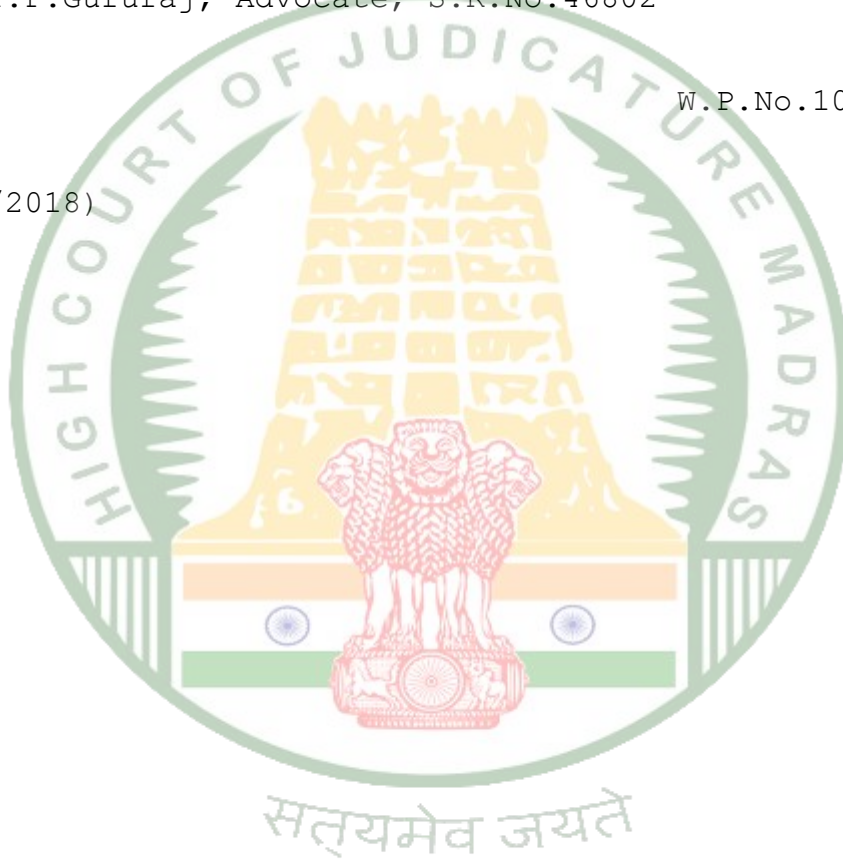
2.The Superintendent Engineer
KEDC, Karur.

+lcc to Mr.P.Srinivas, Advocate, S.R.No.47671

+lcc to Mr.P.Gururaj, Advocate, S.R.No.46802

W.P.No.10091 of 2004

GSP(01/08/2018)



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