



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.1423 of 2011
and

M.P. (MD) .Nos.1 and 2 of 2011 and 1 of 2012

Vishnuvardhan Paper Mills (P) Limited,
Palani Road, Swaminathapuram,
Madathukulam - 642 113,
Dindigul District,
rep. by its Manager R.S.Sampath Nehru

.. Appellant/
Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
rep. by its Chairman,
800, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Distribution),
(TANGEDCO),
Tamil Nadu Electricity Board,
Madurai.

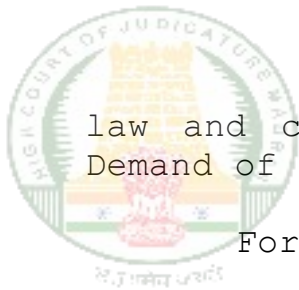
3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dindigul.

.. Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 23.11.2011, passed in W.P(MD) No.12507 of 2011 by a learned Single Judge of this Court and for a consequential direction to the respondents to give additional demand of 2,000 KVA to the appellant forthwith.

Prayer in WP(MD). 12507/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records of the 3rd Respondent in his Lr.No.SE/DEDC/DGL/AEE/GL/AE.I/ F.HT DOC/ D.No.1779/11, dated 29-10-2011, quash the same as unsustainable in



law and consequently direct the Respondents to give additional Demand of 2,000 KVA vide application dated 08-05-2011.

For appellant : Mr.R.S.Pandiyaraj

For respondents : Mrs.M.Rajeswari,
for Mr.Johny Basha

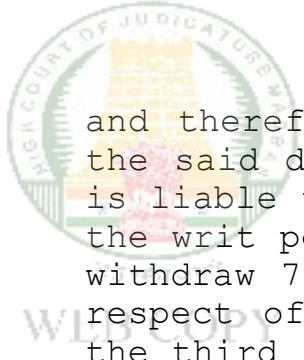
J U D G M E N T

[Judgment of the Court was delivered by **M.SATHYANARAYANAN, J.**]

The writ petitioner is the appellant. The appellant concern made a challenge to the impugned letter of the 3rd respondent, dated 29.10.2011, in and by which their request for additional demand of 2000 KVA over and above exceeding demand of 1000 KVA came to be rejected by stating the reason that the litigations filed by the sister concerns viz., Rajalakshmi Papers, Amaravathi Sri Venkatesa Paper Mills and V.G.Paper & Boards (P) Ltd. are pending with regard to the withdrawal of optimum demand and they have not paid arrears amount noted against them so far. The writ petition, after contest, came to be dismissed on 23.11.2011. Challenging the legality of the same, the present writ appeal is filed.

2. During the pendency of the writ appeal, in M.P.(MD).No.2 of 2011, this Court, vide order dated 30.11.2011, had directed the appellant to deposit a sum of Rs.55,72,794/-, in any one of the nationalised banks towards liability of the above said sister concerns within a stipulated time and on such deposit, the third respondent was permitted to withdraw 25% of the said amount and the balance amount was directed to be deposited in the nationalised bank initially for a period of three years and thereafter, it shall be renewable from time to time. It is also made clear in that order that subject to the out come of the writ appeal, on withdrawal of 25% of the amount, the third respondent was directed to give additional load within a period of seven days from the date of withdrawal.

3. According to the learned counsel appearing for the appellant, the said interim order has been complied with. Now, he is having the benefit of additional load. It is also brought to the notice of this Court by the learned counsel for the appellant that the only reason assigned in the impugned letter of the third respondent, dated 29.10.2011, is that the three sister concerns have not paid the arrears of amount noted against them, on account of challenge made to the withdrawal of optimum limit. But, the writ petitions in W.P.Nos.11069 to 11071 of 2011 filed by the sister concerns, in that regard, came to be allowed, along with writ petitions, vide common order, dated 11.10.2012 in W.P.No.11069 to 11074, etc. batch and no appeals have been filed



and therefore, the said order has become final. In the light of the said development, the impugned letter of the third respondent is liable to be quashed. He would further add that in the event of the writ petition being allowed, the appellant may be permitted to withdraw 75% of the deposited amount with accrued interest and in respect of 25% of the amount that has already been withdrawn by the third respondent, it may be adjusted towards the future demand to be raised against the appellant concern.

4. This Court heard submissions of the learned counsel for the respondents also.

5. In the light of the subsequent development in the form of allowing the Writ Petition Nos.11069 to 11071 of 2011, by common order dated 11.10.2012, in W.P.Nos.11069 to 11074 of 2011, etc. batch, the impugned letter of the third respondent, dated 29.10.2011, is liable to be quashed.

6. In the result, this writ appeal is allowed and the impugned letter of the third respondent, dated 29.10.2011, is quashed and the appellant / writ petitioner is entitled to withdraw 75% of the deposited amount of Rs.55,72,794/- along with accrued interest. Insofar as the deposit of 25% of the said amount and withdrawal by the official respondents are concerned, the same shall be adjusted against the future demand to be raised against the appellant. However, in the circumstances of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.R.S.Padiyaraj , Advocate in SR No. 57881

gcg

AE/SV MMS/SAR4/05.04.2018/3P/2C

JUDGMENT MADE IN
W.A(MD)No.1423 of 2011
23.03.2018