

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.01.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.1817 of 2019

Union of India,
Represented by its Chief Electrical Distribution Engineer,
Office of the Principal Chief Electrical Engineer,
Southern Railway, 7th Floor, NGO Annex,
Park Town, Chennai 600 003.Petitioner

--Vs--

Tamil Nadu Electricity Regulatory Commission,
Represented by its Chairman,
No. 19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondent herein to take the petitioner's application dated 31.08.2018 for hearing and dispose of the same within a fixed period of time.

For Petitioner : Mr.G.Karthikeyan
Asst.Solicitor General of India

Respondents : Mr.Yogeshwaran.A, SC

J U D G M E N T

The relief sought for in the present writ petition is for a direction to the respondent, to take the petitioner's application dated 31.08.2018 for hearing and dispose of the same, within a reasonable period of time.

2. The writ petitioner is Union of India represented by its Chief Electrical Distribution Engineer, Office of the Chief Electrical Distribution Engineer. Mr.G.Karthikeyan, learned Assistant Solicitor General of India representing the writ petitioner made a submission that on the ground, the delay being caused by the respondent, the Southern Railways is suffering financial crisis about one crore per day. On account of the pendency of the application, huge financial loss is being caused to the Souther Railways, therefore, the petitioner is constrained to move the present writ petition.

3. The learned Assistant Solicitor General of India further informed this Court that the application submitted by the writ petitioner raises sever disputes, which are all to be resolved and accordingly, the grievances are to be redressed. If the

hearing of the petition itself is not taken, the same would cause great prejudice to the writ petitioner and the same would be against the interest of public at large.

4. On notice, Mr.Yogeshwaran.A, learned counsel appeared on behalf of the Tamil Nadu Electricity Regulatory Commission. The learned counsel for the respondent is fair enough to submit that the application submitted by the writ petitioner had already been returned and if it is represented, the said application would be considered within 2 hearings of the Commission. The next hearing of the Commission is fixed on 31.01.2019 and in that hearing it may not be possible for the Commission to consider the application and pass orders. However, during the next date of hearing, the Commission would be in a position to consider the application submitted by the writ petitioner, take a decision and pass orders on merits and in accordance with law.

5. This being the factum of the case, the writ petitioner is directed to represent the application within a period of one week, from the date of the receipt of a copy of this order. On receipt of the application in complete format, the respondent Tamil Nadu Regulatory Commission is directed to adjudicate the matter and pass orders during the next sitting date of the Regulatory Commission and pass order on merits and in accordance with law. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Chairman,
No. 19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008

2.The Chief Electrical Distribution Engineer,
Union of India,
O/o the Principal Chief Electrical Engineer,
Southern Railway, 7th Floor,
NGO Annex, Park Town, Chennai-3

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.6710

W.P.No.1817 of 2019

AK(CO)
rrs 06/03/2019