

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.02.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.35736 of 2007

S.Elangovan

..Petitioner

-vs-

1. The Superintending Engineer I/c
Nagai Electricity Distribution Circle
Nagapattinam, Nagapattinam District

2. The Chairman
Tamil Nadu Electricity Board
800, Anna Salai, Chennai

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein viz., the Superintending Engineer, Nagapattinam Electricity Distribution Circle, Nagapattinam, Nagapattinam District not to collect the amount of Rs.30,29,664/- towards the transmission charges for the month of October and November 2007 (two bills) at the rate of 17.50 KW dated 19.11.07 instead of charging the electricity transmission at the rate of 6.79 KW from the petitioner herein which is normally used by the petitioner herein.

For Petitioner :: No appearance

For Respondents :: Mr.P.Gunaraj
Standing Counsel

ORDER

This writ petition has been filed by Mr.S.Elangovan seeking a mandamus directing the Superintending Engineer In-charge, Nagapattinam Electricity Distribution Circle, the first respondent herein not to collect the amount of Rs.30,29,664/- towards the transmission charges for the months of October and November 2007 (two bills) at the rate of 17.50 KW dated 19.11.07, instead of charging the electricity transmission at the rate of 6.79 KW from the petitioner herein, which is normally used by the petitioner herein.

2. When the matter was taken up on 19.2.2019, none appeared for the petitioner. Therefore, this Court directed the Registry to renotify the case on 20.2.2019 under the caption "for

dismissal". Today also, when the matter was called, there is no representation for the petitioner.

3. However, Mr.P.Gunaraj, learned standing counsel for the respondents submitted that during the pendency of the writ petition, M.P.No.15 of 2013 was moved before the Tamil Nadu Electricity Regulatory Commission on the ground that the amount, which is the subject matter of challenge in this writ petition, cannot be claimed against the petitioner. After hearing the parties, an order was passed and the first respondent also refunded the amount deposited by the petitioner on 25.1.2014. Therefore, nothing survives in the matter.

4. In view thereof, recording the statement made by the learned standing counsel for the respondents, this writ petition is dismissed as infructuous. Consequently, M.P.No.1 of 2007 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintending Engineer I/c
Nagai Electricity Distribution Circle
Nagapattinam, Nagapattinam District

2.The Chairman
Tamil Nadu Electricity Board
800, Anna Salai, Chennai

W.P.No.35736 of 2007

MP (CO)

rrs 18/03/2019

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