

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9778 of 2003
and

W.P.M.P.Nos.12398 & 12399 of 2003

M/s.Ramaniyam Real Estates Ltd.,
No.11, Second Main Road
Gandhi Nagar, Adyar
Chennai 600 020.

...Petitioner

Vs.

The Tamil Nadu Electricity Board
Rep. by its Chairman cum Managing Director
Office of Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002.

... Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Declaration, declaring Term 12 Clause (38) of Part II of the Schedule of Terms and Conditions for supply of Electricity is unconstitutional, illegal and consequently forbearing the respondent from collecting any charges as erection charges as found in clause 12 of the terms and conditions in so far as the petitioner is concerned.

For Petitioner : Mr.S.Sundaresan

For Respondents: Mr.S.K.Rameshwar

ORDER

The writ petition has been filed by the petitioner to issue a writ of Declaration, declaring Term 12 Clause (38) of Part II of the Schedule of Terms and Conditions for supply of Electricity is unconstitutional, illegal and consequently forbearing the respondent from collecting any charges as erection charges as found in clause 12 of the terms and conditions in so far as the petitioner is concerned.

2.The learned counsel appearing for the Electricity Board would submit that the petitioner has challenged the Term 12 Clause (38) Part II of the Schedule of Terms and Conditions for supply of Electricity in this writ petition. The said clause has already been taken away from the statutes and new clauses have been introduced under Section 29(12) of the Distribution Code. Hence, prays for dismissal of the same.

3.In view of the above submissions made by the learned counsel for the respondent Board, nothing survives in this writ petition for further adjudication.

4.This writ petition stands dismissed accordingly. The petitioner is granted liberty to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The Tamil Nadu Electricity Board
Rep. by its Chairman cum Managing Director
Office of Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002 .

+1cc to M/s.S.Sundaresan, Advocate Sr.54674
+1cc to Mr.S.K.Rameshuwar, Advocate Sr.53712

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