

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20259 of 2008

M/s Saraswati Udyog India Ltd.,
rep. By its Managing Director,
B.Mohan, Thidumal Road,
Kabilarmalai - 637 204
Paramathivelur Taluk,
Namakkal District ..Petitioner

Vs

- 1.The State of Tamilnadu
rep. By its Secretary to Government,
Energy Department,
Fort St. George, Chennai - 600 009
2. Tamilnadu Electricity Board,
rep. By its Chairman,
800, Annasalai,
Chennai - 600 002 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant H.T.Tariff Concession to the petitioner's industry for a period of three years from 01.04.2000 as per the decision of the Hon'ble Supreme Court in Civil Appeal No.3490/2008 dated 16.05.2008 and pass further orders.

For Petitioner : Mr.S.Rajasekar

For Respondents: Mrs.Bhuvaneswari for R1
Additional Government Pleader
Mr.S.K.Rameshwar for R2

O R D E R

The present Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant H.T.Tariff Concession to the petitioner's industry for a period of three years from

01.04.2000 as per the decision of the Hon'ble Supreme Court in Civil Appeal No.3490/2008 dated 16.05.2008 and pass further orders.

2. It is the case of the petitioner that the petitioner/Industry was set up in the backward area at Paramathivelur Taluk, Namakkal District and obtained HT service Connection No.191 on 27.10.1995 by applying in the prescribed form as directed by the Electricity Board. The Superintending Engineer, Mettur has acknowledged the same vide letter dated 14.11.1995 and advised to quote the registration No.31/95.96 in the acknowledgment slip. The other formalities such as erection of machineries by investing around Rs.22 crores were followed in full shape by the petitioner / Industry within the stipulated time frame expecting the benefits of H.T.Supply and allied concessions to the H.T.Consumers.

3. Besides the above, it is represented on behalf of the petitioner that the Electricity Board has accorded sanction only on 01.03.1997, i.e, after the cut off date, 14.02.1997, even though the petitioner had applied for sanction of H.T.Supply as early as on 27.10.1995 without any delay. Since the respondents have not granted H.T.Tariff Concession to the petitioner's industry for a period of three years from 01.04.2000, the petitioner has come forward with this Writ Petition.

4. Though a larger prayer is sought for in the Writ Petition, the learned counsel for the petitioner would submit that it would suffice for this Court to issue a direction to the respondents to consider the representation of the petitioner dated 08.10.2005 within the time limit to be prescribed by this Court.

5. The learned counsel for the respondents would concede the request made by the learned counsel for the petitioner.

6. Taking note of the submissions made on either side and considering the fact that the petitioner has sought a limited request, viz., to consider the representation dated 08.10.2005 coupled with the fact that there is no objection on the side of the respondents, I am inclined to dispose of the Writ Petition by directing the petitioner to submit the copy of the representation dated 08.10.2005 along with a copy of this order to the Superintending Engineer, Tamilnadu Electricity Board, Namakkal and thereafter, on receipt of copy of the old

representation dated 08.10.2005 along with a copy of this order, the said Superintending Engineer, Tamilnadu Electricity Board, Namakkal shall consider and dispose of the representation dated 08.10.2005 within a period of four weeks. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
The State of Tamilnadu
Energy Department,
Fort St. George, Chennai - 600 009.
- 2.The Chairman,
Tamilnadu Electricity Board,
800, Annasalai,
Chennai - 600 002.
3. The Superintending Engineer,
Tamilnadu Electricity Board,
Namakkal.

+1cc to M/s.R.Hemalatha, Advocate Sr.47175
+1cc to the Government Pleader Sr.47501, 47581

सत्यमेव जयते

W.P.No.20259 of 2008

sv[co]
srg 10/07/2019

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