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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18281 of 2004

Seshasayee Paper and Boards Limited
Pallipalayam, Namakkal District
Represented by its Vice-President
(Finance) and Secretary
Mr.V.Pichai

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Energy Department
Fort St. George
Chennai 600 009

2.Tamil Nadu Electricity Board
Rep. by its Chairman
800, Anna Salai
Chennai 600 002

3.The Superintending Engineer
Tamil Nadu Electricity Board
Mettur Electricity Distribution Circle
Mettur Dam 636 401

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for records pertaining to the communication bearing No.Lr.No.A/Cs.Br/AOR/HT/A4/BF.17/2004 dated 23.03.2004 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to refund / adjust the payment of belated payment surcharge of Rs.11,52,683/- already made by the petitioner against the future electricity bills and also pay interest at 18% per annum on the same.

For Petitioner : Ms.Rita Chandrasekar
for M/s.Aiyar and Dolia.

For Respondents : Mrs.K.Bhuvaneshwari for R1
Mr.S.K.Rameshwar for R2 & 3



ORDER

The writ petition has been filed by the petitioner to issue a writ of Certiorarified Mandamus, to call for records pertaining to the communication bearing No.Lr.No.A/Cs.Br/AOR/HT/A4/BF.17/2004 dated 23.03.2004 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to refund / adjust the payment of belated payment surcharge of Rs.11,52,683/- already made by the petitioner against the future electricity bills and also pay interest at 18% per annum on the same.

2.The learned counsel for the petitioner would submit that the petitioner has prayed for refund of the payment effected in relation to Belated Payment Surcharge (BPSC) on peak hour charges arrear on the total consumption for the period 06.01.2004 to 05.05.2004 for Rs.1,30,954/-.

3.The learned standing counsel appearing for the Respondent Board produced a letter dated 26.06.2019, wherein, it is held that the entire arrears had already been appropriated from the consumer. Accordingly, prays for appropriate orders.

4.In view of the above, nothing survives in this writ petition for further adjudication. This writ petition stands closed accordingly. No costs. Consequently, connected miscellaneous petition if any is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu
Energy Department
Fort St. George
Chennai 600 009

2.The Chairman,
Tamil Nadu Electricity Board
800, Anna Salai
Chennai 600 002



3.The Superintending Engineer
Tamil Nadu Electricity Board
Mettur Electricity Distribution Circle
Mettur Dam 636 401.

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+1cc to Mr.Aiyar and Dolia, Advocate, S.R.No.54586

+1cc to the Government Pleader, S.R.No.54481

W.P.No.18281 of 2004

KK(CO)

RRS (01/08/2019)