

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.01.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33705 of 2004

Kutti Spinners (P) Ltd.,
Unjanai Village, Namakkal Road,
Kumaramangalam Post - 637 211.
Rep by its Managing Director
Shri T.Ganasekar

...Petitioner

..Vs..

The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur.

...Respondent

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent for the refund of the belated payment of Rs.1,02,630/- collected as per his Bill No.120 dated 29.10.2004.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondent : Mr.S.K.Raameshwar
Standing Counsel for EB

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to refund the belated payment of surcharge amount collected from the writ petitioners.

2.The issues raised in the present writ petition were already adjudicated by the Hon'ble Division Bench of this Court in W.A(Md).No.1590 of 2011 and the judgment was delivered on 22.11.2011 allowing the case of the consumers by dismissing the writ appeal. The Special Leave Petition filed by the Electricity Board was also dismissed on 01.03.2016. Accordingly, the Board issued a memo dated 23.11.2016 implementing the orders of the Hon'ble Supreme Court and accordingly, the petitioners are also entitled to get the benefit of the board proceedings already issued pursuant to the orders of the High Court as well as the

Hon'ble Supreme Court in proceedings dated 23.11.2016. Thus, the writ petitioner is also entitled for the benefit of the Board proceedings and the authorities competent are directed to initiate steps to extend the benefit at the earliest possible without any delay.

3.With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrm/cse

To

The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur.

Copy To

The Section Officer,
VR Section, High Court,
Madras-104 (2 Copies)

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.2222

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GJII(CO)
CS/11/02/2019

सत्यमेव जयते

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