

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.01.2019

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33992 of 2004
&
W.P.M.P.No.41101 of 2004

Madras Steel Re-Rollers Association,
No.54, 1st Lane, Pantheon Road,
Egmore, Chennai - 600 008.
Rep by its President Umesh Madan.

...Petitioner

..Vs..

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

2.The Tamil Nadu Electricity Regulatory
Commission, Rep by its Secretary,
17,Veda Mansion, 3rd Main Road,
Seethammal Colony, Alwarpet,
Chennai - 600 018.

....Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent Boad in BP(FB) No.92 (Technical Branch) dated 21.08.2004, quash the same and consequently direct the 2nd respondent to take necessary action and issue suitable orders under Section 86(1)(e) of the Electricity Act, 2003 in regard to levy of infrastructure charges payable in so far as the members of petitioner association are concerned.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondent : Mr.P.R.Dhilip Kumar (for R.1)
Mr.C.Ramesh (for R.2)

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. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrm/cse
To

1. The Chairman,
The Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.
2. The Secretary,
The Tamil Nadu Electricity Regulatory
Commission,
17, Veda Mansion, 3rd Main Road,
Seethammal Colony, Alwarpet,
Chennai - 600 018.

Copy To:

The Section Officer,
VR Section,
High Court, Madras-104.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.2220

W.P.No.33992 of 2004

GJII(CO)

rrs 11/02/2019