

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.4088, 4089, 4090, 4091 & 4092 of 2010 and
M.P.Nos.1, 1, 1, 1 and 1 of 2010

- 1.Sree Mangalambigai Cotton Mills (p) Ltd,
HTSC No.44, Seelancickenpatty (P.O),
Salem - Rep by its,
Manager, S.Janarathan.
...Petitioner in w.P.No.4088 of 2010
- 2.United Granites (P) Ltd,
HTSC No.156,
6/21, A.Pedhanaickenpalayam,
Attur, T.K.Salem-636 109, Rep by its,
Manager G.Nithianantham.
...Petitioner in W.P.No.4089 of 2010
- 3.Jasmine Towels Pvt. Ltd.,
HT SC No.206,
125, Aruppukottai Road, Perungudi,
Madurai Repd by its Manager,
L.Sekar.
...Petitioner in W.P.No.4090 of 2010
- 4.Yesvee Spinning Mills (p) ltd.,
HTSC No.106,
Gajalanaickenpatty,
Salem- Repd by its
Manager S.Janarathan
...Petitioner in W.P.No.4091 of 2010
- 5.Alamelu Textiles, HTSC No.235,
S.F.No.632/2, B1, Murugan nagar,
Moottur, Edanganalalai Village,
Sankari (TK) Salem,
Repd, by its Manager N.Krishnaraj
...Petitioner in W.P.No.4092 of 2010

WEB COPY

Vs

1. Tamil Nadu Electricity Regulatory,
Commission repd. By its Secretary,
19-A, Rukimini Lakshmi pathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002. ...R1 & R2 in all WPs
3. The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Salem. ... Respondent 3 are same in all WPs
except W.P.4090/2010
4. The Superintending Engineer,
Madurai Electricity Distribution Circle,
TNEB, Madurai. ...R3 in W.P.4090 of 2010

PRAYER in W.P.No.4088 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records of the 3rd respondent in his Notice Lr.No.SE/SEDC/AOR/HT/F Penal charges/D.No.439-1/10 dated 18.02.2010 and quash the same in so far as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary, without the authority of law and against the orders of the 1st respondent made in Miscellaneous Petition No.42 of 2008 dated 28.11.2008 more specifically made in paragraph 33.

PRAYER in W.P.No.4089 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records of the 3rd respondent in his Notice Lr.No.SE/SEDC/AOR/HT/F Penal charges/D.No.425-1/10 dated 09.02.2010 and quash the same in so far as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary, without the authority of law and against the orders of the 1st respondent made in Miscellaneous Petition No.42 of 2008 dated 28.11.2008 more specifically made in paragraph 33.

PRAYER in W.P.No.4090 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records of the 3rd respondent in his Notice Lr.No.SE/MEDC/DFC/MDU/HT/AS/A1 & A2/F.Peak Hour/D.No.146/10 dated 10.02.2010 and quash the same in so far as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary, without the authority

of law and against the orders of the 1st respondent made in Miscellaneous Petition No.42 of 2008 dated 28.11.2008 more specifically made in paragraph 33.

PRAYER in W.P.No.4091 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records of the 3rd respondent in his Notice Lr.No.SE/SEDC/AOR/HT/F. Penal charges/D.No.441-1/10 dated 18.02.2010 and quash the same in so far as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary, without the authority of law and against the orders of the 1st respondent made in Miscellaneous Petition No.42 of 2008 dated 28.11.2008 more specifically made in paragraph 33.

PRAYER in W.P.No.4092 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the records of the 3rd respondent in his Notice Lr.No.SE/SEDC/AOR/HT/F. Penal charges/D.No.461-1/10 dated 18.02.2010 and quash the same in so far as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary, without the authority of law and against the orders of the 1st respondent made in Miscellaneous Petition No.42 of 2008 dated 28.11.2008 more specifically made in paragraph 33.

For Petitioner : Mr.R.S.Pandiyaraj
(in all W.ps.)

For Respondents : Mr.P.R.Dilipkumar
(in all W.Ps.)

C O M M O N O R D E R

The learned Counsel appearing on behalf of the respondent submitted that the issue raised in the present Writ Petition is pending before the Hon'ble Apex Court, Chennai, which has been directed to furnish Bank Guarantee of a Nationalised Bank in favour of the Registrar (Judicial) of the Supreme Court in the sum of Rupees Seventy Five Crores within two weeks. On furnishing such Bank Guarantee, impugned judgment is stayed.

2.In view of the above order made by the Hon'ble Supreme Court, this Writ Petition is disposed of with liberty to agitate the issue after the disposal of the case by the Hon'ble Supreme Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Tamil Nadu Electricity Regulatory,
Commission repd. By its Secretary,
19-A, Rukimini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
- 2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.
- 3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Salem.
- 4.The Superintending Engineer,
Madurai Electricity Distribution Circle,
TNEB, Madurai.

+1cc to Mr.R.S.Pondiyaraj, Advocate Sr.58846

W.P.Nos.4088, 4089, 4090,
4091 & 4092 of 2010
and M.P.Nos.1,1,1,1
and 1 of 2010

ap[co]
srg 17/09/2019