



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.29089 of 2011

M/s.Tidel Park Limited,
Rep. by the Managing Director,
No.4, Rajiv Gandhi Salai,
Taramani,
Chennai - 600 113.

... Petitioner

Versus

The Superintending Engineer,
C.E.D.C / South,
K.K.Nagar,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO)
Chennai - 600 078.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent herein in his letter No. SE/CEDC/S/DFC/AAO/HT/AS4/F.SC459/D634/11 dated 20.07.2011 and quash the same .

For Petitioner : Mr. Joshua Ebenezer
for M/s. King and Partridge

For Respondent : Mr. S.K.Rameshwar
Standing Counsel

O R D E R

This Writ Petition has been filed by the petitioner praying for the issuance of the Writ of Certiorari, calling for the records of the respondent herein in his letter No. SE/CEDC/S/DFC/AAO/HT/AS4/F.SC459/D634/11 dated 20.07.2011 and quash the same .

2. According to the petitioner, the notice dated 14.02.2008 sent by the respondent stating that their Audit Officer has pointed out the short assessment of current consumption bill charges and directed the petitioner to pay the difference in tariff rate for the period of April 2003 to July 2007 which amounts to Rs.2,12,94,985.00/-. On consideration of the request



made by the petitioner, it appears that the respondent has revised the payment of Rs.66,02,590/- and directed the petitioner to pay the same. However, the petitioner has not paid the same and addressed the respondent citing various reasons which made the petitioner to unable to make the payments. Consequently, the respondent, by proceeding dated 20.07.2011, has requested the petitioner to pay the revised amount failing which necessary action would be taken as per TNERC Rules. Challenging the same, the petitioner has come forward with the present Writ Petition.

3. Learned counsel for the petitioner submits that the petitioner is a State Owned Undertaking and the petitioner has requested the respondent for waiving the amount by citing various reasons but the respondent while revising the actual payment, has fixed the sum of Rs.66,02,590/- He would submit that at the time of submitting the Writ Petition, the petitioner has paid 50% of the revised amount. Learned Counsel for the petitioner submitted that though the petitioner is a State Owned Corporation, while entertaining the Writ Petition, the petitioner had deposited 50% of amount and thereafter, the matter was placed before the board and it has been resolved to settle the matter with TANGEDCO by paying the differential amount.

4. Learned Counsel for the respondent has also confirmed that the petitioner paid 50% of the revised payment and he would submit that still the petitioner has to pay 50% of the impugned payment.

5. Considering the facts and circumstances and the statements made by the learned counsel on either side, this Court is inclined to direct the petitioner to pay the balance 50% of the impugned payment within a period of four weeks from the date of receipt of copy of this order.

6. The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

bkn



To

The Superintending Engineer,
C.E.D.C / South,
K.K.Nagar,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO)
Chennai - 600 078.

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GMV (09/07/2020)