

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29256 of 2011
and
M.P.No.1 of 2011

M/s.Hotel Palmgrove,
represented by its Director,
Mr.K.Gautam Ballal,
112, Kodambakkam High Road,
Chennai 600 045

...Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
No.19-A, Rukmani Sabhapathi Salai,
(Marshall's Road), Egmore,
Chennai 600 008.
2. The Chairman,
The Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Chennai, EDC/Central,
Chennai 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a writ of Certiorari, calling
for the records of the 3rd respondent vide Letter
No.SE/CEDC/C/DFC/AAO/HT/AS/D.251/2011, dated 03.11.2011 and
quash the same.

For Petitioner : Mr.A.Suresh

For Respondents: Mr.P.R.Dhilipkumar
Standing counsel for TNEB

O R D E R

This writ petition has been filed seeking to quash the proceedings of the 3rd respondent in Letter No.SE/CEDC/C/DFC/AAO/HT/AS/D.251/2011, dated 03.11.2011.

***2. The learned counsel appearing for the petitioner submits that the matter relates to peak hour electricity charges. It is submitted that the petitioner had paid an amount of Rs.24,055/- initially and, thereafter, a sum of Rs.5,22,331/-. Subsequently, the Division Bench of this Court has passed an order affirming the validity of collection of peak hour electricity charges. Hence, counsel, on instructions submits that the petitioner may be permitted to deposit the remaining amount without any BPSC charges and penal interest and request grant of reasonable time for deposit.**

3. In this regard, the Tamil Nadu Electricity Board approached the Hon'ble Supreme Court by filing Civil Appeal Nos.1090 - 1099 of 2011 and the Hon'ble Supreme Court vide order dated 04.02.2011 entertained the Civil Appeals against the judgment of the Appellate Tribunal. On a perusal of the interim order dated 04.02.2011, there is a direction to the appellant therein/Tamil Nadu Electricity Board to furnish Bank Guarantee of a Nationalized Bank in favour of the Registrar (Judicial) of the Hon'ble Supreme Court.

4. Since the issue involved in the present writ petition is pending before the Hon'ble Supreme Court at the instance of the Tamil Nadu Electricity Board, these writ petitions are disposed of directing the respondents to maintain status-quo as on date and subject to the outcome of the order to be passed by the Hon'ble Supreme Court, the parties are at liberty to work out their remedies in a manner known to law. "

5. In view of the above judgement of the Division Bench of this Court and also considering the fact that the petitioner has accepted the Provisional Assessment Order and he has also paid substantial amount to the tune of Rs.24,055/- and agreed to pay the remaining amount without BPSC and penal interest, this Court is inclined to direct the petitioner to deposit the balance due after adjusting the amount already paid by him within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)
Dated:26.12.2019

//True Copy//

***Corrected as per order of
this Court dated 18.11.2020
and made in WP.No.29256/11**

-s/d-
Assistant Registrar(CSII)
dt 03/12/2020

//True Copy//

Sub Assistant Registrar

rka
To

1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmani Sabhapathi Salai,
(Marshall's Road), Egmore, Chennai 600 008.

2. The Chairman,
The Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai 600 002.

3. The Superintending Engineer,
Tamil Nadu Generation &
Distribution
Corporation Limited,
Chennai, EDC/Central,
Chennai 600 034.

**Amended order to
be substituted
For the order already
despatched on 16/03/2020**

+lcc to Mr.P.R.Dhilipkumar , Advocate SR.No. **37275**

+lcc to Mr.A.Suresh , Advocate SR.No. 92571

W.P.No.29256 of 2011
and
M.P.No.1 of 2011

A.SK(27/12/2019)

A.SK(04/12/2020)