

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 9371 of 2011
and M.P.s 1 & 2 of 2011

M/s.A.R.S.Metals,
rep. by its Deputy Director
N.Prabhu

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai / North Circle,
144, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Lr.No.SE/CEDC/N/HT/AAO/R/15F.1793/D1196/11, dated 06.04.2011 and quash the same as illegal, arbitrary and against the provision 22(6) of Tamil Nadu Electricity Supply Code 2004 and consequently direct the 2nd respondent to restore supply to the petitioner industry, M/s.A.R.S.Metals Ltd., in H.T.Sc.No.1793.

For Petitioner : Mr.AR. Karthik Lakshmanan

For Respondents : Mr.P.R.Dilipkumar

सत्यमेव जयते
O R D E R

This Writ Petition has been filed challenging the impugned order of the 2nd respondent dated 06.04.2011 and quash the same as illegal, arbitrary and against the provision 22(6) of Tamil Nadu Electricity Supply Code 2004 and consequently direct the 2nd respondent to restore supply to the petitioner industry, M/s.A.R.S.Metals Ltd., in H.T.Sc.No.1793.

2. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner has filed this Writ Petition challenging the impugned demand notice dated 06.04.2011, wherein the 2nd respondent has demanded a sum of Rs.18,04,000/- as monthly

minimum charges. However, it appears that as per the Regulation 6 of Tamil Nadu Electricity Supply code (hereinafter called as "Supply Code"), the respondents Board are entitled to collect only 20% of the sanctioned demand. In the present case, the sanctioned demand is Rs.3,60,000/- for three months. While entertaining the Writ Petition, this Court has issued a direction directing the petitioner to pay a sum of Rs.3,60,000/- as per the Regulation 6 of Supply Code. Accordingly, the petitioner has paid the amount. Hence, he prayed to allow this Writ Petition.

3. Mr.P.R.Dilip Kumar, learned standing counsel appearing for the Board would submit that as per the impugned demand notice, the petitioner has paid 20% of the sanctioned demand and also the monthly minimum charges. Hence, nothing survives for further adjudication in this Writ Petition. The learned standing counsel would further submit that respondents Board is not interested to claim any additional amount. Accordingly, he prayed to pass appropriate orders.

4. In view of the submissions made by the learned standing counsel appearing for the respondents Board, the Writ Petition stands closed as indicated above. No costs. Consequently, the Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai / North Circle,
144, Anna Salai,
Chennai-600 002.

+1 cc to M/s.K.Seshadri,Advocate Sr.No. 74130

AKM/14.10.19/2P-4C /

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