

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3808 of 2019

M/s.Mahaveer Metal Industries,
Rep. by Chairman, Partner. .. Appellant/ Petitioner

-vs-

- 1.The Assistant Executive Engineer (O&M),
Chennai Electricity Distribution Circle-
North, Vyasarpadi Substation, Tamil Nadu
Electricity Board, Chennai 600 039.
- 2.The Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Vyasarpadi, Chennai 600 039.
- 3.The Superintendent Engineer,
Chennai Electricity Distribution Circle-North,
Tamil Nadu Electricity Board,
Chennai 600 002.
- 4.The Tamil Nadu Electricity Board,
Rep. by its Chairman, Anna Salai,
Chennai 600 002. .. Respondents/ Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 17.07.2019 passed in W.P.No.20683 of 2004 on the file of this Court.

Prayer in W.P.No.20683 of 2004 :

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records of the 3rd respondent culminating in his order bearing reference Lr.No.SE/CEDC/North/AEE/GL/F.Toe/D 1565/04, dated 30.06.2004 confirming the 2nd respondent's assessment order bearing reference Lr.No.EE/O&M/VPD/JE R46/F.APTS/D.1673/99 dated 29.06.1999 and quash the same and consequently direct the 4th respondent to refund the entire amounts paid by the petitioner pursuant to the said assessment order of the 2nd respondent along with interest at such rate.

For Appellant : Mr.Sandeep Shah
for M/s.Shah and Shah

For Respondents : Mr.P.R.Dhilipkumar

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Heard the learned counsel for the appellant.

2.The issue raised in relation to the continuity of the Civil liability proceedings vis-a-vis the proceedings in the criminal case has been dealt with by a Division Bench in the case of M/s.Emkay Alloys (P) Ltd. vs. The Executive Engineer, Tamil Nadu Electricity Board (O&M), Gobichettipalayam, Erode District & Ors., reported in 2019-1-Writ L.R. 723. The learned Single Judge relying on the Division Bench judgment aforesaid has proceeded to dispose of the writ petition in terms thereof.

3.The learned counsel for the appellant submits that against the said judgment, a Special Leave to appeal is pending before the Apex Court being S.L.P. (Civil) No.12541 of 2019, where the uploaded orders on the website of the Supreme Court indicates that the matter has been time and again adjourned and there are no interim orders therein.

4.In the above circumstances, we see no reason to keep this matter also pending. It will be open to the appellant to obtain his relief or even seek intervention in the matter pending before the Supreme Court.

5.The Writ Appeal is disposed of accordingly. There shall be no order as to costs.

6.The prayer of the learned counsel for the appellant is that some further time may be granted to make the balance of payment that was directed to be paid after adjustments by the learned Single Judge. We grant six weeks time for the same. The time period as granted by the learned Single Judge stands modified accordingly.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

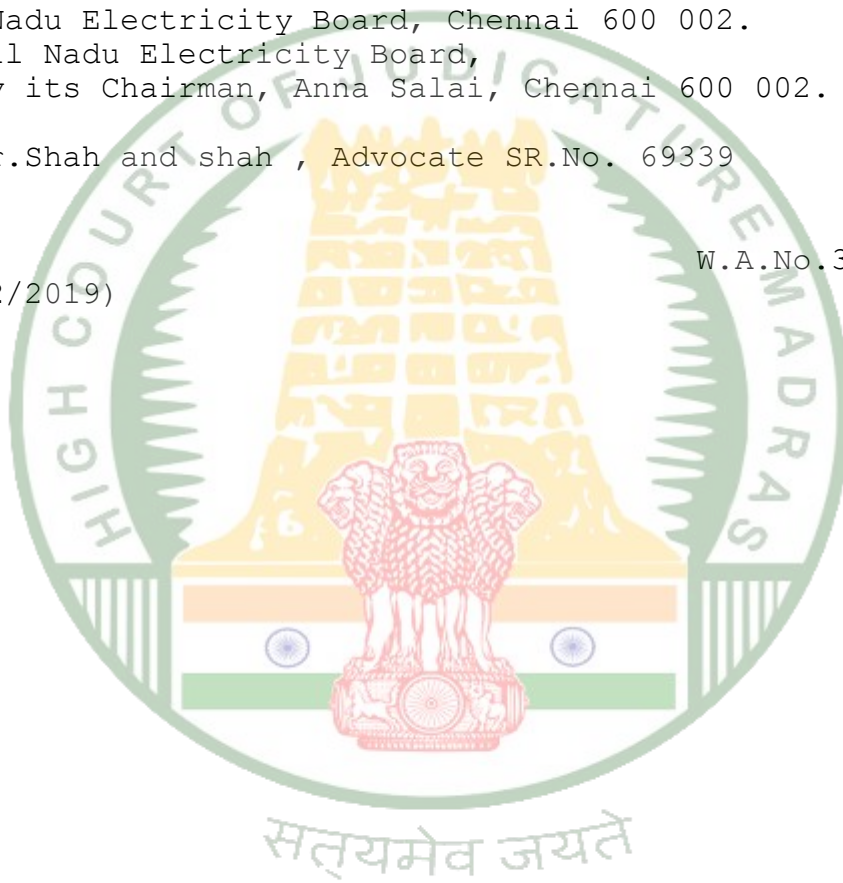
<https://hcservices.ecourts.gov.in/hcservices/>

To

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 - 4.The Tamil Nadu Electricity Board,
Rep. by its Chairman, Anna Salai, Chennai 600 002.
- +lcc to Mr.Shah and shah , Advocate SR.No. 69339

A.SK(27/12/2019)

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