

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.13057 of 2011

M.P.Nos. 1 of 2011 & 1 & 2 of 2013

J.P.P. Spinning Mills (P) Ltd.

HTSC No.253,

No.95, Bye-Pass Road,

Pallipalayam - 638 006

Erode.

Repd. By its Director

J.Thiruvadhanan

... Petitioner

v.

1.The Tamil Nadu Electricity Regulatory Commission,

Rep. By its Secretary,

19-A, Rukmini Lakshmi Pathy 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,

Mettur Elec. Distribution Circle,

Tamil Nadu Electricity Board,

Mettur Dam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari, calling for the records of the 3rd respondent in his Notice No.SEM/DFC/AOR/A/HT/F.253/R.No.321/11, dated 30.05.2011 issued by the 3rd respondent in so far as the time barred claim of Rs.7,21,997.76 for the months of December, 2008 to April 2009 and also the balance amount of Rs.12,458.20 for the months of May, 2009 to July 2009 without opportunity to the petitioner and quash the same for exceeding quota during evening peak hour as illegal, arbitrary, without authority of law and against the provisions of Electricity Act, 2003.

For Petitioners : Mr.R.S.Pandiyaraj

For Respondents : Mr.N.Damodaran

Standing Counsel

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Writ of Certiorari, to call for the records in his Notice dated 30.05.2011 issued by the 3rd respondent in so far as the time barred claim of Rs.7,21,997.76 for the months of December, 2008 to April 2009 and also the balance amount of Rs.12,458.20 for the months of May, 2009 to July 2009 without giving an opportunity to the petitioner and to quash the same for exceeding quota during evening peak hour as illegal and against the provisions of Electricity Act, 2003.

2. When the Writ Petition is taken up for hearing, Mr.R.S.Pandiyaraj, learned counsel appearing for the petitioner submitted that in a similar Writ Petition in W.P.No.8688 of 2011 [Arunachalagounder Textile Mills v. Tamil Nadu Electricity Regulatory Commission and two others], this Court by order dated 26.08.2019, disposed of the Writ Petition for the reason that the issue involved in the Writ Petition is pending before the Hon'ble Supreme Court. Further, this Court granted an order of status quo as on that date subject to the outcome of the result in the appeal pending before the Hon'ble Supreme Court and also gave liberty to the parties to seek remedy in the manner known to law.

3. Mr.N.Damodaran, learned counsel appearing for the respondents submitted that similar order can be passed in the present Writ Petition.

4. The relevant portion of the order passed in W.P.No.8688 of 2011 reads as follows:-

"... 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 instigation of the respondent W.P.No.8688 of 2011 herein/ Tamil Nadu Electricity Board, the writ petition is disposed of directing the respondent to maintain status-quo as on date. Subject to the outcome of the Supreme Court order, the parties may seek remedy in the manner known to law."

5. Since the issue is pending before the Hon'ble Supreme Court in Civil Appeal Nos.1090 - 1099 of 2011, following the earlier order passed by this Court in W.P.No.8688 of 2011, the present Writ Petition is disposed of subject to the outcome of the appeal pending before the Hon'ble Supreme Court and thereafter, if aggrieved, the parties may seek remedy in the manner known to law. The respondents are directed to maintain status quo till the outcome of the appeal pending before the Hon'ble Supreme Court.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

Rj

To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini 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,
Mettur Elec. Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.24958

W.P.No.13057 of 2011
M.P.Nos. 1 of 2011 and 1 & 2 of 2013

MP (CO)
GMY (03/08/2020)