

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13063 of 2011

and

M.P.No.1 of 2011

P.P.S.Spinning Mills (P) Ltd.,  
HT SC No.167, S.F.48, 49/4,  
Rep., by its Factory Manager,  
A.Rathinakumar.  
Sampanthampalayam,  
Kadaiyur Post, Kangeyam-638 701,  
Erode District, ... Petitioner

-vs-

- 1.The Director/Operation,  
Tamil Nadu Transmission Corporation Ltd.,  
144, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,  
Erode Electricity Distribution Circle, 948,  
E.V.N.Road, Erode. ... Respondents

Petition under Article 226 of the Constitution of India  
praying for issuance of Writ of Certiorari to call for the  
records of the 2<sup>nd</sup> respondent in his letter  
No.A/Cs.Br/HT/A1/F.HTSC 167/C.6346/2011 dated 23.05.2011 levy of  
penalty and quash the same as unsustainable in law.

For Petitioner :Mr.R.S.Pandiyaraj

For Respondents R1 : Mr.N.Damodaran  
R2 : Mr.S.K.Rameshwar

ORDER

The petitioner has filed this writ petition challenging the  
proceedings of the second respondent dated 23.05.2011 in and by  
which, penalty has been imposed on the ground that fake  
documents were submitted by third party generators, viz.,  
M/s.TCP Limited and M/s.Sakthi Sugars Limited and benefit has  
been availed.

2. Similar issue was considered by this Court in W.P.No.10697 of 2011, and this Court by order dated 03.03.2020 disposed of the writ petition. The operative portion of the order dated 03.03.2020 are as follows:-

"2. It may not be necessary for this Court to adjudicate the correctness of the impugned order on account of subsequent developments, which have been set out in the counter affidavit filed by the second respondent.

3. It is stated that the petitioner-company has been liquidated and the new entity M/s.Parshavanath Spinners India Private Limited has taken over the business on 27.06.2014, and the entire demand has been paid. However, the learned counsel for the petitioner submitted that the petitioner had paid the entire money for the transfer of electricity generated to M/s.TCP Limited and it is the Superintending Engineer, Sivagangai Electricity Distribution Circle, who had directed adjustment of the power, which was wheeled out from Sivagangai Distribution Circle by directing all Superintending Engineers to adjust it in their respective circles HT Services. Therefore, it is submitted that the petitioner has not committed any mistake for penalty being charged on the petitioner.

4. It is to be noted that M/s.TCP Limited and other persons including an employee of M/s.Sakthi Sugars Limited have been proceeded criminally and the matter is now pending in C.C.No.06 of 2016 on the file of Judicial Magistrate-II, Sivagangai. In any event, it is well open to the petitioner to cooperate in the criminal trial and place all the facts, so that the correct factual position can be placed before the criminal court."

3. In the light of the above, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

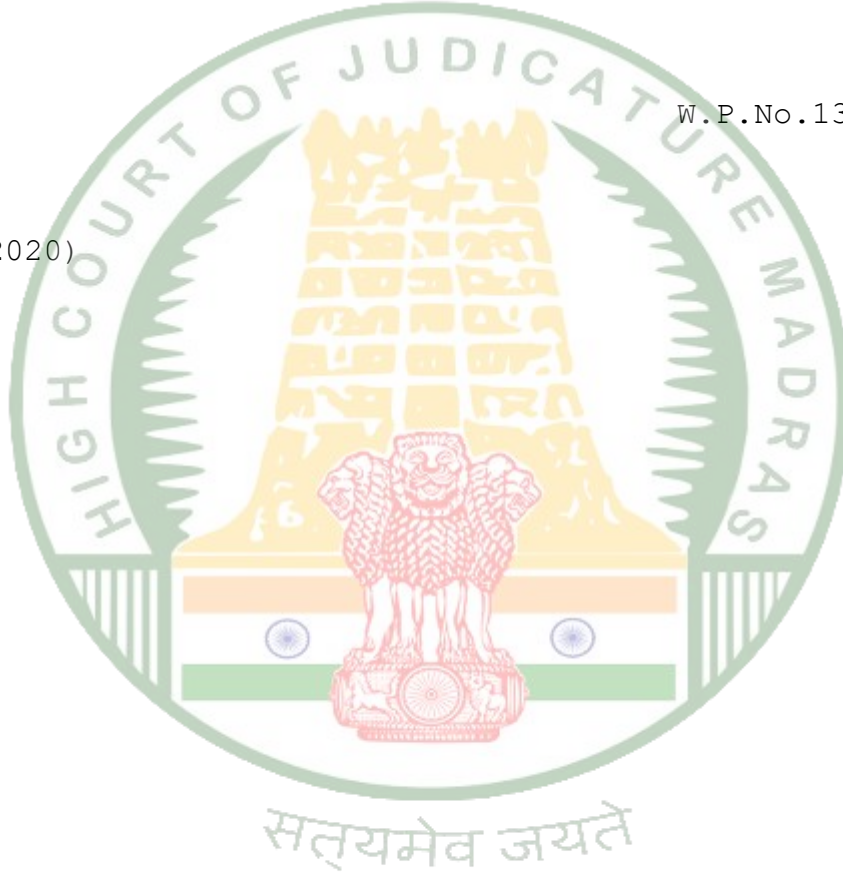
1.The Director/Operation,  
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144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,  
Erode Electricity Distribution Circle, 948,  
E.V.N.Road, Erode.

+1 CC to Mr.R.S.Pandiyaraj, Advocate sr 19568.

W.P.No.13063 of 2011

RJI (CO)  
SP(31/07/2020)



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