



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.9077 of 2020

and

W.M.P. (MD)No.8300 of 2020

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Nathuram Kirtha

... Petitioner

Vs.

1.The Superintendent Engineer,
TANGEDCO/ K.Pudur,
Madurai-625 007.

2.The Executive Engineer,
Revenue Branch,
TANGEDCO/Thiruppalai,
Madurai.

3.The Assistant Engineer,
TANGEDCO/Uranganpatti,
Opp. to Uranganpatti SIDCO,
Karuppayoorani,
Madurai-625 020.

4.The Junior Engineer I Gr,
Distribution/TNEB,
Uranganpatti,
Madurai-625 020.

5.The Assistant Accounts Officer,
Revenue Division/East,
TANGEDCO, Thiruppalai,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in க.எண்.உ.ம.பொ/உ.மட்டி/கோப் பி. Refund/அ.எண்.053 dated 09.07.2020 and quash the same, and direct the respondents to refund the security deposit amount of Rs.4,68,030/- along with interest of 18% deposited in S.C.No.05-120-007-151 in the petitioner's wife Bobby's name without insisting him to pay the interest charge of Rs.94,809/- as demanded in the impugned order.

For Petitioner : Mr.M.Karuppasamy

For Respondents : Ms.M.Rajeswari

for Mr.S.M.S.Johny Basha

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondents.

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



2.The petitioner is running an industrial unit in SIDCO Industrial Estate at Uranganpatti. The petitioner states that he has been paying the consumption charges without any default. While so, some time in April 2011, the respondents raised a demand that the petitioner should pay a further sum of Rs.1,49,555/-. The said demand was raised based on audit objections. The petitioner filed W.P.(MD)No.5499 of 2011 and an interim order was also obtained on condition. The said writ petition came to be allowed on 09.06.2011. The original demand was set aside and the matter was remitted to the file of the respondents for passing fresh order after putting the petitioner on notice. Thereafter also, the respondents raised the very same demand. Questioning the same, the petitioner filed W.P.(MD)No.1777 of 2012.

3.When the matter was taken up for final disposal on 25.02.2019, this Court passed the following order:-

"2.The learned counsel for the writ petitioner submitted that a sum of Rs.4,50,000/- towards security deposit was deposited by the petitioner's wife for obtaining another connection which has been earlier surrendered. However, she is unable to get back the security deposit amount, on account of the pendency of this dispute. Therefore, the petitioner even while reiterating his stand that the demand is not justified, is willing to pay the balance 50% of the amount in order give quietus to the whole issue. The petitioner is therefore directed to remit the balance amount of Rs.74,780/- within a period of two weeks from the date of receipt of a copy of this order. Since the impugned demand would thus stand satisfied in full, the respondent authorities are directed to refund the security deposit amount deposited by the petitioner's wife immediately thereafter.

3.With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

4.It is not in dispute that this order has become final and has not been put to challenge.

5.The learned counsel appearing for the petitioner states that the balance amount of Rs.74,780/- was paid by the petitioner within the time stipulated. Thus, 50% of the demand to pay Rs.1,49,555/- was paid by way of complying with the interim order passed by this court in the said writ petition. The balance amount of 50% was also paid following the order dated 25.02.2019 in W.P.(MD)No.1777 of 2012. The petitioner had given up his challenge to the said demand, as he was more anxious to get back the balance amount from his wife security deposit. This Court also stated that on such payment of the balance amount, the entire demand would stand satisfied in full.

6.Thus, the said direction had become final. It is clearly not open to the fifth respondent to call upon the petitioner to pay BPSC charges. The impugned order is on the very face of it contumacious. The same stands quashed. The Writ Petition is



allowed. This Court directs the respondents to comply with the direction given on 25.02.2019 in W.P.(MD)No.1777 of 20112 within a period of eight weeks. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-14038
[F] dated 13/08/2020)

W.P.(MD)No.9077 of 2020
12.08.2020

KK(25.08.2020) 3P 2C