



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 8312 of 2021
and

W.M.P. Nos. 8866 and 8867 of 2021

M/s.Sterling International Finance Limited
Regd. Office: B-II/23
Mohan Cooperative Industrial Estate
New Delhi - 110 044.

...Petitioner

Vs.

1. The Superintending Engineer
CEDC-North (AAO/HT)
TANGEDCO
Gummidipoondi - 601 201.

2. Assistant Executive Engineer
O&M /Gummidipoondi
CEDC North
Gummidipoondi - 601 201.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent in Letter No.AEE/O&M/GPD/AE/Sip-II/F.Sterling/ D.692/12 dated 20.07.2012 and quash the same and consequently, direct the Respondent to provide electricity connection to the Petitioners premises at Plot Nos. B-58, B-74 & B-76, SIPCOT Industrial Area, Gummidipoondi, as per their service requests dated 18.07.2012, 17.09.2012, 14.12.2012, 14.01.2015. 17.05.2017, 10.07.2019 and 02.03.2021.

For Petitioner : Mr. C.S.Kiran

For Respondents : Mr. Karthick Raja

O R D E R

By consent of both the Parties, this Writ Petition is taken up for final disposal, at the admission stage itself.

2. The case projected in the said writ petition is as follows:

Earlier, M/s.Shobhagya Steels Limited was on a long term lease of 99 years in respect of Plot Nos.B-58, B-74 and B-76,



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SIPCOT Industrial Area, Gummidipoondi and they availed financial assistance from M/s.Bank of Rajasthan, but defaulted in payment of dues. Pursuant to the same, the Bank initiated recovery proceedings against the said company. Subsequently, SARFAESI proceedings was also initiated and the Bank took physical possession of the said property on 21.12.2002. Thereafter, in exercise of power under Section 13(4) of the SARFAESI Act, the Bank assigned the lease of the said plots to the petitioner company for a total sum of Rs.70,00,000/- by a deed of assignment dated 24.03.2008 registered as Doc.No.1456/2008 on the file of SRO, Gummidipoondi. On the strength of the same, the petitioner approached the SIPCOT for transfer of lease and accordingly, a modified lease deed dated 13.10.2010 was executed by transferring the lease from M/s.Shobhagya Steels Limited to the petitioner company for the remaining period of 78 years. Thereafter, the petitioner approached the second respondent for grant of new electricity service connection by submitting an application dated 18.07.2012. While so, the second respondent issued a letter dated 20.07.2012, demanding a sum of Rs.2,53,82,329/- towards alleged dues by the erstwhile occupant M/s.Shobhagya Steels Limited in respect of their High Tension service connection bearing Nos.1592 and 1663. Aggrieved over the same, the petitioner sent various representations, lastly on 02.03.2021 to the second respondent requesting to drop the said demand stating that they are only the subsequent occupant in the subject premises and hence, they are not liable to pay the alleged demand. However, the said representations were not considered by the second respondent, till date. Hence, this writ petition.

3. Though the petitioner raised very many grounds to challenge the impugned demand notice dated 20.07.2012 issued by the second respondent, the learned counsel for the petitioner confined the prayer made herein to the extent of considering the representation of the petitioner dated 02.03.2021, which was received on 12.03.2021 by the respondents, within a reasonable time to be stipulated by this Court.

4. There is no serious objection for granting such relief to the petitioner.

5. In view of the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondents to consider the petitioner's representation dated 02.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Superintending Engineer
CEDC-North (AAO/HT)
TANGEDCO
Gummidipoondi - 601 201.
2. Assistant Executive Engineer
O&M /Gummidipoondi
CEDC North
Gummidipoondi - 601 201.

+1cc to Mr.C.S.Kiran, Advocate SR.No. 22055

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SRA(CO)
B.VC(19.07.2021)