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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.32009 OF 2016

&

W.M.P.NO.27757 OF 2016

M/s.Umasankar Alloys (P) Ltd.,
Rep. by its Manager V.Govindkumar,
Plot No.39, SIPCOT (Phase-II),
Industrial Complex,
Hosur - 635 109.

... Petitioner

.Vs.

1. The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd.,
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 006.
2. The Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 635 2002,
Krishnagiri.
3. The Deputy Financial Controller,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 635 002.
Krishnagiri District.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, calling for the records pertaining to the impugned order made in Lr.No.SE/KEDC/KGI/DFC/AAO-HT/AS-HT/RCS-HT/F.HT SC 347/D No.484/16 dated 31.08.2016 passed by the 2nd respondent, quash the same.



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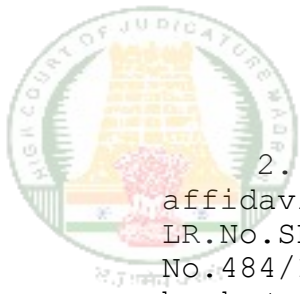
For Petitioner : Mr.N.Manokaran

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
For TANGEDO

O R D E R

The Writ Petition is filed challenging the order dated 31.08.2016 passed by the 2nd respondent/the Superintending Engineer, Tamil Nadu Generation and Distribution Corporation Limited. An elaborate consideration of facts and circumstances of the case became unnecessary in view of the specific stand taken by the 2nd respondent, Superintending Engineer in his counter affidavit dated 28.09.2016. The 2nd respondent in the said counter affidavit at last the paragraph would state as follows:

"I respectfully submit that, I am second respondent in W.P.No.32009 of 2016. Joined in the post of Superintending Engineer / Krishnagiri Electricity Distribution Circle on 14.07.2016, from Generation Circle Kandamparai, Coimbatore Region. I was all along employed from Assistant Engineer to the Superintending Engineer in various generation circles, hence the O&M/Distribution Circle is new to me. Hence bonafide mistake had crept in. Therefore, the impugned order has been passed taking into account the loss of revenue to the Board and also the due payable by the Petitioner. I submit that I have completed 30 years of blemishless service in TNEB/TANGEDCO. Therefore by oversight a mistake has crept in, hence I tender my unconditional apology for the bonafide mistakes committed. The impugned order passed based on Audit objection vide Audit Slip No.149, dated 11.01.2016 and subsequent order of this Hon'ble Court dated 28.04.2016 in W.P.No.16071/2016. Therefore condone my act and I may be permitted to withdraw the impugned order dated 31.08.2016 with a liberty to pass fresh orders without levying BPSC for the period prior to making the demand. Hence I have no intention to pass faulty orders as mentioned in the order dated 14.09.2016 in W.P.No.32009/2016 regularly since I joined as Superintending Engineer only on 14.07.2016 at Krishnagiri after serving in generation circle without any blemish. Hence the above affidavit may be taken on file and appropriate orders may be issued".



2. In view of the above statement made in the counter affidavit, the impugned order passed by the 2nd respondent in LR.No.SE/KEDC/KGI/DFC/AAO-HT/AS-HT/RCS-HT/F.HT SC 347/D No.484/16 dated 31.08.2016 is quashed and the matter is remitted back to the 2nd respondent for re-consideration and for passing orders, if necessary on merits and in accordance with law as expeditiously as possible.

3. With these observations, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd.,
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 006.
2. The Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 635 2002
Krishnagiri.
3. The Deputy Financial Controller,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 635 002.
Krishnagiri District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.58767

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.58957

W.P.NO.32009 OF 2016

KSM(CO)
PBS/01/12/2021