

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1096 of 2020

C.M.KAMARAJ

..Appellant

.Vs.

1. THE EXECUTIVE ENGINEER(O & M)
TAMILNADU ELECTRICITY GENERATION AND
DISTRIBUTION CORPORATION, POLLACHI
COIMBATORE DISTRICT.
2. THE JOINT ENGINEER (O & M)
UDUMALAI ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU ELECTRICITY GENERATION AND
DISTRIBUTION CORPORATION, POLLACHI
COIMBATORE DISTRICT.
3. THE ASSISTANT ACCOUNTS OFFICER REVENUE BRANCH
TAMILNADU ELECTRICITY GENERATION
AND DISTRIBUTION CORPORATION
POLLACHI, COIMBATORE DISTRICT.

..Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order dated 5.3.2020 passed in W.P.No.2805 of 2012.

WP No.2805/2012: Calling for the records relating to the notice
of demand bearing K.No.JE/V/M. Puram/K.Court case/V.14/12 dated
23.01.2012 on the file of the second respondent and quash the
same.

For Appellant : Dr.S.R.Kalyani

JUDGMENT

(Delivered by SENTHILKUMAR RAMAMOORTHY,J.)

This appeal is directed against the order dated 5.3.2020 in
W.P.No.2805 of 2012.

2. In the said writ petition, the appellant herein challenged a demand notice dated 23.1.2012. The said demand notice was challenged primarily on the basis that the appellant was entitled to a concessional tariff. The learned Judge examined the documents on record and found that the claim for concessional tariff was the subject matter of civil proceedings which culminated in the judgment and decree dated 19.10.2011 in S.A.No.1641 of 1998. By the said judgment and decree, the Court concluded that the appellant is not entitled to the concessional tariff. However, in the light of the fact that it was a long drawn civil litigation and the appellant had been served with the demand notice at the appropriate tariff rate from October, 1995, the Court granted leave to the appellant to submit objections with regard to the demand notice only as regards the quantum of consumption.

3. Learned counsel for the appellant submits that the demand consists of the actual consumption charges and belated payment surcharge and the appellant had already paid 50% of the amount demanded, which would cover the consumption charges. On this basis, he requests that this Court should interfere with the impugned order.

4. In the light of the fact that the learned Judge has permitted the appellant to submit objections with regard to the quantum of consumption by enclosing appropriate documents, we are not inclined to interfere, especially in view of the fact that the concessional tariff claim was conclusively decided in the Second Appeal against the appellant and the said judgment and decree attained finality.

Therefore, W.A.No.1096 of 2020 stands dismissed. Notwithstanding the dismissal of this writ appeal, it is open to the appellant to submit objections as permitted by the learned Single Judge and if aggrieved by the determination, a fresh cause of action may arise in favour of the appellant. No costs. Consequently, C.M.P.No.13385 of 2020 is closed.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. THE EXECUTIVE ENGINEER(O & M)
TAMILNADU ELECTRICITY GENERATION AND
DISTRIBUTION CORPORATION
POLLACHI, COIMBATORE DISTRICT.
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W.A.No.1096 of 2020

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