



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.27844 OF 2019

AND

W.M.P.NO.27395 OF 2019

Srimukha Prescision Products

Represented by its Authorized Signatory

S.Suresh

...Petitioner

Vs.

The Assistant Engineer/O&M,

TANGEDCO,

IE/ Central, Ambattur,

Chennai - 600 058.

...Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to refund a sum of Rs.4,85,027/- to the petitioner with interest at 18% per annum from the date on which the same came to be paid till the date of realisation.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to refund a sum of Rs.4,85,027/- to the petitioners with interest at 18% per annum from the date on which the same came to be paid till the date of realisation.

2.The case of the petitioner is that the petitioner has been in operation of Machine components and the same was commenced during September, 2009 and since the company was non-functional due to various reasons, minimum of the consumption charges were paid. The petitioner, vide proceedings of the respondent dated 19.05.2012, was advised to pay a sum of Rs.8,83,002/- under the guise of left over payment during September, 2009. The petitioner by representation dated 25.05.2012, brought to the



notice of the respondent that there had occurred no fault and there is no payment due and thereafter the respondent issued revised letter dated 26.06.2013 reducing the amount to Rs.4,85,027/-. Thereafter, in order to show bonafide and under the threat of disconnection, the petitioner paid the said amount in three instalments. Thereafter, the petitioner made representation dated 05.08.2019 to the respondent seeking to refund the said amount and since the amount was not refunded, has filed this writ petition.

3. The learned counsel appearing for the petitioner submitted that that without going into the merits of the case, it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 05.08.2019 and to pass appropriate orders within a reasonable time frame.

4. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 05.08.2019, on merits and in accordance with law and to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

The Assistant Engineer/O&M,
TANGEDCO,
IE/ Central, Ambattur,
Chennai - 600 058.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.66770

W.P.No.27844 of 2019

And

W.M.P.No.27395 of 2019

SRA(CO)

RVM(21/01/2022)