



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.7134 of 2020

BMR Industries Ltd.
(formerly known as Classwin Industries Ltd)
Having its Registered Office at
Flat No. S.10 TNHB Complex,
180 Luz Church Road,
Chennai- 600 004.

...Petitioner

Vs.

1. Tamil Nadu Electricity Board
Rep by its Chairman,
800, Anna Salai,
Chennai- 600 002.
2. The Superintending Engineer
Chengalpattu Electricity Distribution Circle
Tamilnadu Electricity Board
Chengalpattu.
3. The Executive Engineer
O and M Maraimalai Nagar,
Chengalpattu.
4. The Assistant Executive Engineer
O and M TANGEDCO/CEDC,
Kelambakkam.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari mandamus Calling for the records of the impugned order passed by the 4th respondent in his Letter No. AEE/ O and M/Kelambakkam/F.APTS.A.No. 310/2020 dated 18.02.2020 demanding extra levy charges by categorizing in the extra levy charges and quash the same and direct the 3rd respondent an enquiry on this demand.

For Petitioner : Mr.T.Sree Krishna Bhagavat

For Respondents : Ms.Keerthana Shenoi
Mr.L.Jai Venkatesh
Standing Counsel



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O R D E R

Read this order in conjunction with order dated 18.04.2022 that is extracted below:

"Learned counsel for the petitioner states that the balance outstanding in regard to the charges for alleged theft of electricity is an amount of Rs.9,66,326/-, which the petitioner undertakes to pay within a period of two weeks from today.

2. However, he would request that the proceedings for prosecution now initiated not be pursued by the respondents. Ms.KeerthanaShenoi, learned counsel, whose name shall be printed for the respondents, seeks a days' time to obtain instructions in this regard.

3. List on 21.04.2022."

2.Today Ms.Shenoi, learned Counsel for the respondents files a memo dated 21.04.2022 to the following effect:

"The respondents beg to submit as follows:

It is submitted that the writ petitioner has to make a payment of balance Rs.9,66,626/- from the total amount demanded of Rs.50,71,610/- by the respondent Board. On payment of the pending balance amount of Rs.9,66,626/- by the writ petitioner, any criminal complaint/case filed with respect to the alleged theft of electricity would be withdrawn by the respondents/TANGEDCO.

Hence, it is humbly prayed that this Hon'ble Court may be pleased to record the memo and pass such orders as deems fit and thus render justice.

Dated at Chennai on this 21st day of April 2022."

3.Thus, the petitioner is permitted to make payment of balance amount of Rs.9,66,326/- within a period of two (2) weeks from today and if so remitted within the timeline as aforesaid, the respondents will withdraw the FIR bearing No.211/2001 dated 20.03.2001 immediately thereafter.

4.This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

sl/kbs



To

1. Tamil Nadu Electricity Board
Rep by its Chairman,
800, Anna Salai,
Chennai- 600 002.

2. The Superintending Engineer
Chengalpattu Electricity Distribution Circle
Tamilnadu Electricity Board
Chengalpattu.

3. The Executive Engineer
O and M Maraimalai Nagar,
Chengalpattu.

4. The Assistant Executive Engineer
O and M TANGEDCO/CEDC,
Kelambakkam.

+2cc to Mr.P.Subbareddy, Advocate, S.R.No.27747
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.27415
+1cc to the Government Pleader, S.R.No.27990

W.P.No.7134 of 2020

AK(CO)
RGA(27/05/2022)