



WEB COPY



W.P.No.29157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29157 of 2022

K.Kumaran

... Petitioner

Vs

1.The Assistant Executive Engineer (O&M) South
Tamil Nadu Electricity Board,
Vazhapaadi, Vazhapaadi Taluk,
Salem District – 636 115.

2.The Executive Engineer (O&M) South
Tamil Nadu Electricity Board,
Vazhapaadi, Vazhapaadi Taluk,
Salem District 636 115.

3.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Kamaraj Nagar Colony (Post)
Salem 636 014.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 3rd respondent to dispose the Appeal Petition filed in respect of penalty imposed with respect to petitioner's electricity connection S.C.No.316/T.F. III B, in Valapadi Taluk, Salem District without Belated Payment Surcharge (BPSC).



W.P.No.29157 of 2022

For Petitioner : Mr.J.Prithivi

For Respondents : Mr.M.Abul Kalam
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the 3rd respondent to dispose the Appeal Petition filed in respect of penalty imposed with respect to petitioner's electricity connection S.C.No.316/T.F. III B, in Valapadi Taluk, Salem District without Belated Payment Surcharge (BPSC).

2. The petitioner was having a commercial service connection and is running an ice factory, in respect of the power consumption by the petitioner there has been a penalty imposed by the 2nd respondent vide order dated 17.03.2006 as against which the petitioner preferred appeal in the year 2008 before the 3rd respondent. The said appeal according to the petitioner so far has been not disposed of.

3. Therefore in order to get an early disposal of the said appeal on merits, the petitioner has presented this writ petition with the aforestated prayer.

4. Heard Mr.M.Abul Kalam, learned Standing Counsel appearing for the



W.P.No.29157 of 2022

respondents who would submit that, for this stretch of long years the appeal would not have been kept pending but any how it will be verified whether the appeal is still pending, if it is still pending immediately action would be taken to dispose on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. If already the appeal is disposed and order is passed, a copy of the order again be communicated to the petitioner for his information sake. In view of the stand taken by the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the 3rd respondent to decide and dispose the appeal filed of the year 2008 against the order passed by the 3rd respondent dated 17.03.2006 imposing penalty against the petitioner if not already been disposed of within a period of four weeks from the date of receipt of a copy of this order.

(ii) It is made clear that, since the appeal is of the year 2008 and if the same already been disposed of, a copy of the order passed by the 3rd respondent even, if already been despatched, can once again



W.P.No.29157 of 2022

be despatched to the petitioner for his information.

WEB COPY

6. With this direction, this Writ Petition is disposed of. No costs.

04.11.2022

Index : Yes / No

Speaking Order: Yes / No

Sgl

To

- 1.The Chairman,
TANGEDCO,
800, Anna Salai,
Chennai – 600 001.
- 2.The Executive Engineer,
Operations and Maintenance
TANGEDCO,
Dharapuram, Tiruppur District.
- 3.The Assistant Executive Engineer,
T.N.E.B., TANGEDCO,
Udumalpet Road,
Dharapuram, Tiruppur District.
- 4.The Assistant Engineer,
TANGEDCO,
Udumalpet Road,
Dharapuram, Tiruppur District.



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W.P.No.29157 of 2022

R. SURESH KUMAR, J.

Sgl

W.P.No.29157 of 2022

04.11.2022