



W.P.(MD)No.12613 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.12613 of 2012

and

M.P.(MD)No.1 of 2012

Blue Mount Papers and Boards Ltd, HT SC No.167

No.104,B-1, Rani Managamma Salai,

South Veeravanallur-627417

represented by its Manager A.Ramasubramanian

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory
Commission represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai – 600 008.

2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer,
Tirunelveli Elec. Distribution Circle,
Tamil Nadu Electricity Board,
Tirunelveli.

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the third respondent in his Notice LR.No.SE/TEDC/TIN/AO/R/HT/AS/F.Doc/D.No. /11 dated 17.12.2011 issued by the third respondent and quash the same for exceeding Demand and Energy quota during normal and evening peak hour as illegal, arbitrary, violation of principal of natural justice and against the memo dated 01.11.2008.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

The present Writ Petition has been filed challenging the order passed by the third respondent herein under which the penalty of sum of Rs.47,78,871/- has been imposed on the writ petitioner on the ground that the writ petitioner's mill has violated requirements and control measures during the said relevant period.

2. Admittedly, the said impugned order has been passed without any notice or calling for an explanation from the writ petitioner.



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3. In view of the violation of Principles of natural justice, the impugned order passed by the third respondent herein is set aside. The matter is remitted back to the file of the third respondent herein. The third respondent is directed to dispose of the matter on merits and in accordance with law after giving due opportunity to the writ petitioner to submit his explanation. The writ petitioner may also be given a personal hearing and thereafter, the third respondent shall pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

10.08.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

csn

To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai – 600 008.
- 2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer,
Tirunelveli Elec. Distribution Circle,
Tamil Nadu Electricity Board,
Tirunelveli.

Order made in
W.P.(MD)No.12613 of 2012

10.08.2022

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