



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.2667 of 2013

and

M.P (MD) Nos.1 & 2 of 2013

M/s.A.K.S.P.Spining Mills,
No.67, Harvey Road,
Kadambur, Koilpatti Taluk,
Tuticorin District,
Represented by its Managing Partner,
S.P.Pakir Mohideen

... Petitioner

Vs.

- 1.The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai-600 002.
- 2.The Assistant Executive Engineer (Distribution),
The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Kayathar-628 952, Tuticorin District.
- 3.The Assistant Accounts Officer,
Revenue Branch,
Office of the Executive Engineer (Distribution),
The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Tuticorin Electricity Distribution Circle,
Kovilpatti, Tuticorin District.
- 4.M/s.S.S.V.M.Viswasan Thiagaraj
Traders (Lessee and Enjoyer),
North Vandanam Village,
Kovilpatti Taluk, Tuticorin District,
Represented by its Managing Partner,
S.S.V.Micheal Raj.

... Respondents

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 relating to the impugned Letter No.AAO/RB/KOT/AS.8/

<https://www.mhc.tn.gov.in/judis>



FTA/064/2012, dated 26/27.12.2012 of the third respondent has quashed the same.

For Petitioner : M/s.AL.Ganthimathi
For R-1 to R-3 : Mr.S.Deenadhayalan
Standing Counsel
For R-4 : Mr.G.Thalaimutharasu

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ORDER

The present Writ Petition has been filed challenging an order passed by the third respondent herein, under which, the Electricity Board has sought to terminate the agreement with the petitioner.

2. According to the petitioner, he has suffered a provisional assessment order, under Section 135 of the Electricity Act, 2003, which culminated in a final assessment order, dated 14.07.2011. This final assessment order was challenged by the writ petitioner in W.P (MD)No.9198 of 2011. When the said writ petition was pending, the third respondent has proceeded to pass the present impugned order, terminating the agreement for supply of electricity to the writ petitioner's Mill. The present writ petition has been filed primarily on the ground that while W.P(MD)No.9198 of 2011 is pending, the third respondent cannot terminate the agreement.

3. The learned Standing Counsel appearing for the respondents pointed out that W.P(MD)No.9198 of 2011 was filed, challenging a final assessment order. This Court has also granted an order of interim stay in the said writ petition. When an order of interim stay was operating as against the final assessment order, the termination of agreement could not have been issued. However, now the said writ petition has been disposed of and there is no order of interim stay. In such view of the matter, the respondent authorities are entitled to terminate the agreement, so that they can recover all the amounts due from the writ petitioner.

4. I have carefully considered the submissions made on either side. Admittedly, the petitioner's Mill has suffered a final assessment order on 14.07.2011 and they have challenged the same in W.P(MD)No.9198 of 2011 and an order of interim stay was also granted. While the order of interim stay was operating the respondents herein have proceeded to issue the impugned order, terminating the agreement with the petitioner's Mill. Now, though the final assessment order has been upheld by the High Court and the interim order has been vacated, there are no grounds to challenge the order impugned in the present writ petition. That apart, the impugned order in the present writ petition is only a consequential order to the final order of assessment, dated 14.07.2011. Once, the original order has been confirmed by this Court, automatically, the consequential order becomes legally valid.



5. In view of the above said facts, the present writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

btr

To

- 1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai-600 002.
- 2.The Assistant Executive Engineer (Distribution),
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Kayathar-628 952, Tuticorin District.
- 3.The Assistant Accounts Officer,
Revenue Branch,
Office of the Executive Engineer (Distribution),
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Tuticorin Electricity Distribution Circle,
Kovilpatti, Tuticorin District.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-40107[F] dated 25/08/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-40138[F] dated 25/08/2022)

Order made in
W.P. (MD) .No.2667 of 2013
24.08.2022

RK(15/09/2022) 3P/6C