



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.7308 of 2022

M.Maniam,
Proprietor,
Sri Alagu Nachiyamman Fibres,
Kumarapalayam, Palani Taluk - 624 618,
Dindigul District.

.. Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
By its Chairman & Managing Director,
No.144, Anna Salai, Mount Road,
Chennai - 600 002.

2.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

3.The Executive Engineer,
TANGEDCO, Palani,
Dindigul District.

4.The Assistant Executive Engineer,
West, TANGEDCO, Palani,
Dindigul District.

5.The Assistant Engineer, (West),
TANGEDCO, Swaminathapuram,
Palani, Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 15.03.2022, in the light of (Permanent) B.P. (F.B.) No.29, dated 05.04.2002 and (Permanent) B.P. (F.B.) No.30, dated 10.04.2002 and stay granted in W.P. (MD) No. 12962 of 2012, dated 08.10.2012.

For Petitioner : Mrs.M.Rajeswari for
Mr.S.M.S.Johnny Basha

For Respondents : Mr.S.Deenadhayalan
Standing Counsel



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to consider the petitioner's representation, dated 15.03.2022, seeking for waiver of belated payment surcharges, in the light of (Permanent) B.P. (F.B.) No.29, dated 05.04.2002 and (Permanent) B.P. (F.B.) No.30, dated 10.04.2002 and stay granted in W.P. (MD) No. 12962 of 2012, dated 08.10.2012, within a time frame to be fixed by this Court.

2.According to the petitioner, the demand notice made by the respondents amounting to Rs.23,40,760/- (Rupees Twenty Three Lakhs Forty Thousand Seven Hundred and Sixty only) towards Belated Payment Surcharges is not in accordance with the aforementioned resolution, dated 05.04.2002 and 10.04.2002 respectively. In such circumstances, the petitioner has given a representation on 15.03.2022, seeking for waiver. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mrs.M.Rajeswari, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents.

4.The petitioner has filed the copy of the aforementioned resolutions, under which, he claims that he is not liable to pay the Belated Payment Surcharges to the respondents. It is for the respondents to consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner. The petitioner has already given a representation, dated 15.03.2022, seeking for waiver to the respondents. Admittedly, the said representation has not been considered till date.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 15.03.2022, seeking for waiver of Belated Payment Surcharges amounting to Rs.23,40,760/- (Rupees Twenty Three Lakhs Forty Thousand Seven Hundred and Sixty only) in the light of (Permanent) B.P. (F.B.) No.29, dated 05.04.2002 and (Permanent) B.P. (F.B.) No.30, dated 10.04.2002 and stay granted in W.P. (MD).No. 12962 of 2012, dated 08.10.2012 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of 12 weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
No.144, Anna Salai, Mount Road,
Chennai - 600 002.

2. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

3. The Executive Engineer,
TANGEDCO, Palani,
Dindigul District.

+1 CC to M/s.M.S. JOHNNY BASHA, Advocate (SR-19696[F]
dated 20/04/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-20290[F]
dated 21/04/2022)

W. P. (MD) No. 7308 of 2022
19.04.2022

MGJ(05.05.2022) 3P 6C