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W.P.Nos.37837 & 38689 of 2002
& W.P.No.27205 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.37837 & 38689 of 2002 & W.P.No.27205 of 2018

and W.M.P.Nos.57760 & 56762 of 2002 & W.M.P.No.13905 of 2003

W.P.No.37837 of 2002

M/s.Nortan Intec
Rubbers Pvt.Ltd.,
No.4-A, SIPCOT Indl.Complex,
Gummidipoondi-601 201.

... Petitioner

Vs

1.Tamil Nadu Electricity Board,
Rep by its Chairman,
No.800 Anna Salai,
Chennai-600 002.

2. The Members Distribution,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai-600 002.

3.The Superintening Engineer,
CEDC/North,
No.800 Anna Salai,
Chennai-600 002.

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4. The Accounts Officer,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai-600 002.

5. The Assistant Engineer
Distribution,
SIPCOT CEDC/North
Gummidipoondi 601 201.

... Respondents

W.P.No.38689 of 2002

M/s.Nortan Intec
Rubbers Pvt.Ltd.,
No.4-A, SIPCOT Indl.Complex,
Gummidipoondi-601 201.

... Petitioner

Vs

1. Tamil Nadu Electricity Board,
Rep by its Chairman,
No.800 Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
CEDC/North,
No.800 Anna Salai,
Chennai-600 002.

3. The Assistant Engineer
Distribution,
SIPCOT CEDC/North
Gummidipoondi 601 201.

... Respondents



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M/s.Nortan Intec
Rubbers Pvt.Ltd.,
No.4-A, SIPCOT Indl.Complex,
Gummidipoondi-601 201.

... Petitioner

Vs

1. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
2. Director,
TANTRANSCO.
Transmission Project-I,
Chennai-600 032.
3. Chief Engineer,
TANTRANSCO
Transmission Project-I,
Chennai-600 032.
4. Chief Engineer (TLC),
Anna Salai
Chennai-600 032.
5. Superintending Engineer,
TANTRANSCO,
General Construction Work,
A-10 Thiru-vi-ka Industrial Estate,
Guindy, Chennai-600 032.



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6. Superintending Engineer,
TANTRANSCO,
Operation Circle-I,
230 KV SS Campus,
Korattur, Chennai.

... Respondents

PRAYER in W.P.No.37837 of 2002 : Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly in the nature of writ of certiorarified Mandamus to call for the records of the Order bearing Ref.LR.No.SE/CEDC/N/AAO/HT/A3/F.HT 1491/D 667-1 dated 11.09.2002 of third respondent and quash the same and direct the respondents to refund a sum of Rs.2,41,409/- together with interest after adjusting a sum of Rs.1,68,091/- (1,04,561+63.530) out of total refund of Rs.4.09.500/- due to the petitioner.

PRAYER in W.P.No.38689 of 2002 : Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly in the nature of writ of Mandamus to the third respondent to give the petitioner LT connection forthwith in terms of letter dated 08.04.2002 bearing Ref.Lr.No.AE/ID/SIPCOT/GPD/FLTINDT/INTIMATION of Dt./D.No.02/ without insisting on the conditions set forth in letter dated 11.09.2002 of the 2nd respondent bearing Reference bearing Ref.LR.No.SE/CEDC/N/AAO/HT/A3/F. HT 1491/D 667-1.



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PRAYER in W.P.No.27205 of 2018 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the Respondents to shift temporary tower of the Extra High Tension (EHT) Lines out of the premises of the petitioner and to remove the said Extra High Tension (EHT) Lines passing over the Petitioner's premises within a time frame as prescribed by this Hon'ble Court.

IN ALL PETITIONS :

For Petitioner ... Mr.T.Mohan,
Senior Counsel
for M/s.R.Anish Kumar

For Respondents ... Mr.D.R.Arun Kumar,
Standing Counsel for TANGEDCO

COMMON ORDER

Aggrieved by the order dated 11.09.2002 passed by the 3rd respondent, the petitioner in W.P.No.37387 of 2002 is before this Court.

2. The petitioner in W.P.No.37837 of 2002 is a Company engages in the manufacturing of tyre tubes and curing bags. It was sanctioned HT power connection for 250 KVA. Since, its actual consumption never exceeded 200



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KVA per month, the petitioner seeks reduction of the sanction by way of representations and also sought for the excess tariff collected per month till date. The 3rd respondent has sanctioned the reduction of load on 29.05.1999 subject to certain conditions. The grievance of the petitioner is that the respondent has not refunded the excess tariff collected from them from 1994 onwards. Thereafter, the petitioner has surrendered HT and sought for LT connection. The 3rd respondent vide impugned letter dated 11.09.2002 directing the petitioner to pay a sum of Rs.1,04,561/-. Aggrieved by the same, the petitioner is before this Court.

3. Learned Senior Counsel for the petitioner submits that eventhough the petitioner has challenged the order passed by the 3rd respondent, the petitioner is having alternative remedy of approaching before the CGRF. However, at this distancing time, the petitioner is unable to move the CGRF and that the petitioner is willing to deposit a sum of Rs.1,04,561/- within a period of two weeks and the respondents may be directed to close the file and restore the electricity connection.



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4. Considering the limited relief sought for by the learned senior counsel for the petitioner, liberty is granted to the petitioner to deposit a sum of Rs.1,04,561/- within period of two weeks from the date of receipt of a copy of this order. Upon receipt of the said amount, the respondents are directed to close the file and consider the application if any is filed for restoration of electricity and pass appropriate orders.

5. The Writ Petition in W.P.No.37837 of 2002 stands disposed of with the above direction. There shall be no order as to costs. Consequently, the connected W.M.P.No.56762 of 2002 stands closed.

6. In the light of the order passed in W.P.No.37837 of 2002, the W.P.No.38689 of 2002 filed for a direction to the 3rd respondent to give the petitioner LT connection forthwith rendered infructuous. Hence, the W.P.No.38689 of 2002 stands closed. Consequently, connected W.M.P.Nos. 57760 of 2002 & 13905 of 2003 stands closed.



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7. With regard to W.P.No.27205 of 2018, the petitioner seeks a mandamus for a direction to the respondents to shift the temporary power of the extra High Tension lines out of the premises of the petitioner and remove the said extra High Tension lines passing over the petitioner's premises.

8. It is seen that the petitioner has made a representation before the respondents seeking the very same relief which is pending as on date. Since, the respondents are the appropriate authorities to consider the grievance of the petitioner, they are directed to consider the representation of the petitioner dated 22.01.2015 and upon hearing the petitioner, pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition in W.P.No.27205 of 2018 stands disposed of with the aforesaid direction. There shall be no order as to costs.

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To

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1. The Chairman,
Tamil Nadu Electricity Board,
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Chennai-600 002.
2. The Members Distribution,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
CEDC/North,
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Distribution,
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M.DHANDAPANI, J.

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Chennai-600 032.
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