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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.Nos.1462 & 1480 of 2023

Ashok Leyland Limited
Ennore, Chennai 600 057
Rep. By its Chief Financial Officer
P.K.Ranganatthan
Now at No.1, Sardar Patel Road
Guindy, Chennai 600 032.

.. Appellant in
both W.As.

Vs.

1. The Secretary
Ministry of Energy Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.

2. Tamil Nadu Electricity Board
Rep. By its Chairman
No.800, Anna Salai
Chennai 600 002.

3. Superintending Engineer
Chennai EDC/North, TANGEDCO
No.800, Anna Salai
Chennai 600 002.

.. Respondents
in both W.As.

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Prayer: Appeals filed under Clause 15 of the Letters Patent against the common order dated 30.03.2023 made in W.P.No.4471 and 4472 of 2017.

For the Appellant : Mr.P.S.Raman
Senior Counsel
For Mr.M.S.Murali
For R and P Partners

For the Respondents : Mr.P.Wilson
Sr. Standing Counsel for the
State of Tamil Nadu
For Mr.Jai Venkatesh

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant assails the order passed by the learned Single Judge dated 30.03.2023 in W.P.Nos.4417 and 4472 of 2017.

2. We have heard Mr.P.S.Raman, learned Senior Counsel, assisted by Mr.M.S.Murali, learned counsel for the appellant and Mr.P.Wilson, learned Senior Standing Counsel for the State of Tamil Nadu, assisted by Mr.Jai Venkatesh, learned counsel for the



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respondents.

3. Mr.P.S.Raman, learned Senior Counsel for the appellant submits that the learned Single Judge had directed the appellant to settle the amount due within a period of eight weeks from the date of receipt of a copy of that order. Eight weeks' time expired on 30.06.2023. He seeks further time of four weeks from today, for settling the amount due.

4. Learned Senior Counsel for the appellant submits that the appellant would file a Special Leave Petition against the judgment passed in CMA on 30.03.2021. The review of the same has been dismissed on 03.07.2023. He further submits that if the SLP of the appellant is dismissed, then, the appellant would avail alternative remedy. He also submits that the appellant would deposit Rs.3,67,69,587/- by tomorrow (11.07.2023) and seeks further accommodation of four weeks.

5. Mr.P.Wilson, learned Senior Counsel for the respondents

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submits that the appellant is dodging the payment of amount since 2001 onwards. G.O.Ms.No.95 dated 28.11.2021 permits the respondents to charge surcharge and extra 25%. The said G.O. has been upheld by the Court. The appellant has not paid the amount for more than 20 years and is evading payment of the same. Even undertaking was given before the learned Single Judge and that has been reproduced in the impugned order.

6. A party can avail the remedy available under the law. We are not called upon to decide the appeals on merits, in view of the submissions made. In the light of that, we are not dilating on the merits of the matter.

7. The appellant has undertaken to deposit the principal amount of Rs.3,67,69,587/- by tomorrow (11.07.2023). The same shall be deposited by the appellant tomorrow (11.07.2023) with the third respondent directly. For the remaining amount, we extend the time by four weeks from today, i.e. additional four weeks to the time granted by the learned Single Judge under the impugned



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order. But, the same would be available only if the appellant deposits Rs.3,67,69,587/- by tomorrow (11.07.2023).

8. With the aforesaid observations, the writ appeals stand disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.14133 and 14365 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

10.07.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

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