



W.A.(MD)No.1204 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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and M.P.(MD)No.1 of 2013

1.The Tamil Nadu Electricity Board,
Represented by its Chairman,
800, Anna Salai, Chennai – 2.

2.The Superintending Engineer,
Madurai / Metro Electricity Distribution Circle,
TANGEDCO,
Madurai.

... Appellants

Vs.

Sunrays Textiles Process (Pvt) Ltd.,
HT SC No.69, No.15, Bose Street,
Sellur, Madurai – 625 002, represented
By its Managing Director, P.Rajasekar

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 31.07.2013 made in W.P.(MD)No.11842 of 2013 on the file of this Court.



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For Appellants : Mr.S.Deenadhayan
Standing Counsel

For Respondent : Mr.R.S.Pandiyaraj

JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This Writ Appeal has been directed against the order passed by the Writ Court dated 31.07.2013 made in W.P.(MD)No.11842 of 2013.

2. The respondent was a consumer of 120 KVA electricity service connection, since it is a business house.

3. They wanted to increase the load from 120 KVA to 320 KVA i.e., the additional load of 200 KVA, that request made was rejected by the appellant TANGEDCO on the ground that, since there has been large arrear mounting on the part of the respondent / consumer, which has to be paid, without paying the same they are not entitled to have the enhancement of the load to 320 KVA, therefore, that was rejected. Challenging the same only the said Writ Petition was filed. The learned Judge, who heard the



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matter, allowed the Writ Petition by giving a direction to the TANGEDCO to extend the additional load of 200 KVA to the respondent.

4. As against which, the Writ Appeal was filed and when the Writ Appeal was taken up for hearing today, Mr.S.Deenadhayalan, learned Standing Counsel, appearing for the TANGEDCO / appellants would submit that insofar as the demand of arrears is concerned that was also under challenge in W.P.(MD) No.13867 of 2012, subsequently, in the said Writ Petition remand order was passed and the matter has been remitted back to the TANGEDCO for re-consideration.

5. In the meanwhile, pursuant to the order passed by the Writ Court, which is impugned herein dated 31.07.2013, the appellant TANGEDCO has extended the additional load of 200 KVA, totally 320 KVA service, to the respondent manufacturing unit, therefore, at this juncture, nothing survives to adjudicate further in the issue which has been raised in this appeal.



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6. The said position stated by the learned Standing Counsel appearing for the appellant TANGEDCO has not been controverted by the learned counsel for the respondent / consumer.

7. In view of the aforesaid, by recording the same, this Writ Appeal is dismissed as nothing survives for disposal. However, there shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

20.03.2023

NCC : Yes / No
Index : Yes / No
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