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W.P.No.9169 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9169 of 2002 and
WMP.No.12413 of 2002

Sambandam Spinning Mills Ltd.,
rep. By its Director S.Devarajan,
Off Kamarajar Colony,
PB No.11,
Salem 636 014

... Petitioner

Vs.

- 1.State of Tamilnadu rep by
The Secretary to Government,
Energy Department,
Fort St.George,
Chennai 600 009
- 2.The Tamilnadu Electricity Board,
rep. By its Chairman,
Annasalai, Chennai 600 002
- 3.The Superintending Engineer,
The Tamilnadu Electricity Board,
Salem Electricity
Distribution Circle, Salem
- 4.State of Tamilnadu rep. By
The Secretary to Government,
Industries Department,
Fort St.George,
Chennai 600 009

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent contained in Lr.no.A/CS.Br./SE/ SEDC/AO(3) / HT(3)/PF174/ D8/02 dated 31.01.2002 and quash the same as being arbitrary and illegal and direct the third respondent to return the bank guarantee provided for the concession amount for the additional demand of 500 KVA.

For Petitioner : Mr.Rahul Balaji

For Respondents

For R1 to3 : Mr.Syed Sibghatulla,
Standing Counsel

For R4 : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the letter of the third respondent contained in Lr.no.A/CS.Br./SE/ SEDC/AO(3) / HT(3)/PF174/ D8/02 dated 31.01.2002.

2. At the time of admission, this Court granted interim stay on the ground that pursuant to the interim order passed in CMP.No.11189 of 1999 in writ appeal No.1229 of 1999, bank guarantee has been furnished to the tune of Rs.45,41,616/- in respect of the demand. Though the



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interim order was granted, no final order has been passed and it is pending and now the learned counsel for the petitioner submitted that in respect of the very same issue, several writ appeal are pending before the Hon'ble Division Bench of this court.

3. This court is of the view that the order of demand cannot be sustained. Therefore, it is made clear that subject to the result of the writ appeals in WA.Nos.1248 of 2018, 791 of 2015, 1494 of 2017 & 1495 of 2017, the third respondent is at liberty to make fresh demand of tariff for additional demand of 500 KVA for the period from June 1998 to November 2000.

4. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.04.2024

Neutral Citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Secretary to Government,
State of Tamilnadu rep by
Energy Department,
Fort St.George,
Chennai 600 009
- 2.Chairman,
The Tamilnadu Electricity Board,
Annasalai, Chennai 600 002
- 3.The Superintending Engineer,
The Tamilnadu Electricity Board,
Salem Electricity
Distribution Circle, Salem
- 4.The Secretary to Government,
State of Tamilnadu,
Industries Department,
Fort St.George,
Chennai 600 009

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