



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.1974 of 2024
& WMP.No.2091 of 2024

S.Perumal

... Petitioner

Vs

1.The Chairman

Tamil Nadu Electricity Board,
144, Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,

Adm.I, TANGEDCO,
Krishnagiri Electric Distribution Circle,
Krishnagiri.

3.The Executive Engineer,

(O & M), TANGEDCO,
Hosur, Krishnagiri (Dt.)

4.The Asst. Executive Engineer/Distribution,

(O & M), TANGEDCO,
Sipcot, Hosur,
Krishnagiri (dt).

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned order in UPO/E&P/SIPCOT-11/HOSUR/CO.KATTU/ ANO:060/ 23-24 dated 16.12.2023 issued by the 4th respondent quash the same and consequently direct the 4th respondent to restore service connection under Service Connection No.066-020-114/IIIB, to the petitioner's Factory at No.Door No.1/197, Rajeshwari Layout, Sitco 6th Phase, Sipcot Hosur, within a time frame.

For Petitioner : Mr.M.Raju

For Respondents : Mr.S.Madhusudanan

ORDER

Read this order in continuation of and in conjunction with order dated 31.01.2024 that reads as follows:

Mr.S.Madhusudanan, learned counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. He points out that the petitioner has not established compliance with the directions under order dated 01.02.2022 passed in W.P.No.18064 of 2016. In that order, the petitioner has been granted liberty to approach the appellate authority under Section 127 of the Electricity Act (Act). The Court has stated that in the event of filing of appeal, the competent authorities shall consider the period during which the writ petition was pending before this Court for condoning the delay and thereafter adjudicate the matter on merits and in accordance with law.

3. The petitioner has placed memorandum of grounds of appeal that is stated to have been filed before the appellate authority on 13.06.2022. On instructions, Mr.Madhusudanan, would state that no such appeal is pending.

4. That apart, Section 127 of the Act requires the petitioner to make a pre-deposit of 50% of the demand raised in the assessment in cash or by way of demand draft for maintaining the said appeal. Admittedly, no pre-deposit has been made along with the appeal.



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5. Moreover the order of the writ Court is dated 01.02.2022 and the appeal is stated to have been filed on 13.06.2022 which is beyond the period of 30 days that is provided for under Section 127 of the Act. That, coupled with the fact that the pre-deposit has not accompanied the appeal petition would render that appeal non-maintainable, if at all such an appeal had been filed.

6. In such circumstances, there is no merit in this writ petition and in fact, no legal ground is made to intervene with the impugned order. The earlier order was dated 10.05.2016 and is stated to have raised a demand of Rs.8 lakhs (approx.) in respect of which the petitioner states he has paid some amount.

7. The amount quantified under the present impugned order dated 16.12.2023 is a sum of Rs.6,75,974/-. The petitioner is granted liberty to approach the authority by way of statutory appeal under Section 127 of the Act and such appeal, if filed within a period of two (2) weeks from today along with pre-deposit, shall be taken on file without reference to limitation, but ensuring compliance with all other statutory conditions, the petitioner heard and the appeal be disposed in accordance with law.

8. The petitioner states that he will file an appeal against the present order by 06.02.2024 along with requisite pre-deposit.

9. List on 06.02.2024 at the end of admission list at petitioner's request.

2. Today, Mr.M.Raju, learned counsel for the petitioner states that the company is unable to immediately file an appeal for want of necessary funds to make a pre-deposit. Hence, there is nothing to be served by keeping this matter pending any further.

3. Liberty granted in paragraph 7 of order dated 31.01.2024 to the petitioner to file a statutory appeal under Section 127 of the Electricity Act within a period of two (2) weeks from 31.01.2024, ie., on or before 14.02.2024 with pre-deposit is reiterated.

Dr.ANITA SUMANTH,J.



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4. Appeal, if any, filed as aforesaid within the time stipulated, shall be taken on file without reference to limitation but ensuring compliance with all other statutory conditions including pre-deposit and disposed after hearing the petitioner, in accordance with law.

5. This Writ Petition is dismissed with liberty as aforesaid. No costs.

Connected Miscellaneous Petition is closed.

06.02.2024

Index : Yes / No

Speaking order

Neutral citations:Yes

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