



W.P.No.6476 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6476 of 2021

and

W.M.P.No.7054 of 2021

M/s.Grand Oceana Beach Resort,
Represented by the Proprietor,
Mr.P.Arunachalam,
S/o.Palanisamy,
New No.45, Old No.363/2B, Vadanemeli,
ECR Main Road,
Chennai – 603 104.

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Anna Salai, Chennai – 600 002.
2. The Assistant Executive Engineer/O & M,
Kelambakkam,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Chengalpet Electricity Distribution Circle,
Chennai.
3. The Assistant Engineer/O&M,
Kovalam,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Chengalpet Electricity Distribution Circle,
Chennai.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent, the Assistant Executive Engineer (O & M) dated 24.10.2019 and the consequential order dated 22.02.2021 and to quash the same and to direct the respondent to conduct an enquiry by providing an opportunity in accordance with Section 19A of the Tamil Nadu Electricity Supply Code 2004 and to pass a fresh order in accordance with law without insisting the provisional assessment amount.

For Petitioner : Mr. K.V.Dhanapalan

For Respondents : Mr. L.Jaivenkatesh,
Standing Counsel

ORDER

Though the Writ Petition has been filed challenging the final assessment order passed by the second respondent dated 22.02.2021, there is an appeal remedy as against the final assessment order before the Appellate Authority in the manner known to law. Therefore, the learned counsel for the petitioner restricts the prayer seeking permission to approach the Appellate Authority after complying with the condition to file the appeal.

2. In view of the above, the petitioner is at liberty to file an appeal



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against the final assessment order passed by the second respondent before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall comply with the condition before filing the appeal and till the filing of the appeal, the respondents are directed to not to process the final assessment order.

3. With the above directions, this Writ Petition is disposed of. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 29.08.2021, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

19.06.2024

Index:Yes/No

Neutral Citation/Yes/No

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Note: Registry is directed to return the impugned orders under written acknowledgment after retaining a copy of the same for record.

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,

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Anna Salai, Chennai – 600 002.

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2. The Assistant Executive Engineer/O & M,
Kelambakkam,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Chengalpet Electricity Distribution Circle,
Chennai.
3. The Assistant Engineer/O&M,
Kovalam,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Chengalpet Electricity Distribution Circle,
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G.K.ILANTHIRAIYAN, J.

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