



WEB COPY

Cont.P.No.1124 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Cont. P. No.1124 of 2023
and
Sub Application No.346 of 2023

Bushra Tasneem

... Petitioner

v.

Mr.S.Anbarasan,
The Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Ambur,
Tirupattur District.

... Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent for the act of disobeying the orders passed in W.P.No.33940/2015 dated 27.06.2022.

For Petitioner : Mr.Afroze T.Magendiran

For Respondent : Mr.S.Madhusudhanan,
Standing Counsel for TNEB.



ORDER

The contempt petition is filed on the premise that the respondent had computed the demands on the basis of Rule 11(5) of the Tamil Nadu Electricity Supply Code, 2004 (hereinafter referred to as “Electricity Code) instead of Rule 11(2) of the Electricity Code as directed by this Court. In the meanwhile, the petitioner herein had filed a review application against the order dated 27.06.2022 on the premise that the computation ought to be made only in terms of Rule 11(5) of the Electricity Code and not in terms of 11(2) of the Electricity Code.

2. Today when the matter was taken up for hearing, it was submitted by the learned counsel for the petitioner that in view of the pendency of the review application, the petitioner is inclined to withdraw the contempt petition.

3. Though normally contempt proceeding once set in motion cannot be allowed to be withdrawn in view of the fact that contempt is a matter primarily between the Court and the contemnor. However, it is not an inviolable rule and depending on the facts of the case, withdrawal by the party initiating the contempt may be permitted.



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4. In the present case, a review application has been filed and the petitioner also seeks leave to withdraw the contempt petition. In the circumstance, the contempt is closed as withdrawn. No costs. Consequently, connected sub application is closed.

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Index: Yes/No

Internet: Yes/No

Speaking order / Non speaking order

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