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W.A.No.3058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3058 of 2024 and

C.M.P.No.23132 of 2024

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.

2. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Palladam Electricity Distribution Circle,
Palladam.

... Appellants/R1 & R2

-vs-

1. Real Link Engineering India Pvt. Ltd.,
No.4, Park Street, Kattoor,
Coimbatore-641 009
Rep. by its Managing Director,
L.Navaneethakrishnan.

... 1st Respondent/Writ Petitioner

2. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
No.19A, Ruckmini Lakshmi Salai,
Egmore, Chennai-600 008.

... 2nd Respondent/3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.03.2024 made in W.P.No.4781 of 2021.



W.A.No.36 of 2024

For Appellants : Mr.P.Kumaresan
Addl. Advocate General

For R1 : Mr.S.Sarath Chandran

J U D G M E N T

(By D.Krishnakumar,J.,)

This Writ Appeal has been filed, challenging the order dated 26.03.2024 made in W.P.No.4781 of 2021, in and by which, learned Single Judge directed to consider and waive the belated payment surcharge amount.

2. It is the case of the appellants that there is no regulation to waive the belated payment surcharge, as the effect of new service connection or reconnection would be only after payment of dues with belated payment of surcharge, which is a statutory dues.

3. Learned counsel for the 1st respondent has stated across the bar that the 1st respondent undertakes to pay the principal amount of Rs.31,19,428/- within a period of four weeks and in respect of waiving belated surcharge amount of Rs.29,79,811/-, the appellants may consider and waive off, taking note of the fact that there was a huge financial loss to the 1st respondent during Covid-19 outbreak.



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4. Considering the submissions made on either side, the 1st respondent is directed to pay the principal amount of Rs.31,19,428/- within a period of four weeks from the date of receipt of a copy of this judgment and on such remittance, the appellants shall provide service connection to the 1st respondent forthwith. Insofar as the claim of waiver of belated surcharge amount, the 1st respondent shall make a representation to the appellants within a period of one week from the date of receipt of a copy of this judgment and if any such representation is filed, the same shall be considered and appropriate orders be passed thereon on merits and in accordance with law within a period of two weeks thereafter.

5. With the above modification, this Writ Appeal is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K,J.] [P.B.B,J.]
18.10.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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