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Contempt Petition No.2992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Contempt Petition No.2992 of 2023

M/s.Vijayalakshmi Marketing,
Represented by its Partner,
N.Rajan Babu,
No.90, V.K.Road,
Peelamedu,
Coimbatore-641 004.

.. Petitioner

-VS-

1.Mr.Rajesh B.Lakhoni,
The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

2.Mrs.Valliammal,
The Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.



3. Mrs. Rajathi,
The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Udumalpet Energy Distribution Circle,
Udumalpet.

.. Respondents

Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their willful and disobedience to comply with the order dated 09.12.2021 passed by this Court in WP No.31881 of 2019.

For Petitioner : Mr.N.Naganathan
For Respondents : Mr.D.R.Arunkumar,
Standing Counsel for TANGEDCO.

ORDER

The present Contempt Petition has been filed to punish the respondents for their willful disobedience of the orders dated 09.12.2021 passed in WP No.31881 of 2019, wherein this Court, in paragraphs 5 to 8,



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passed the following orders:-

"5. At this juncture, the learned Standing Counsel appearing for the respondents submitted that the entire principal amount as per the invoices will be paid to the petitioner within a period of five months.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. In view of the fair submission made by the learned Standing Counsel appearing for the respondents, this Court issues direction to the respondents to disburse the entire principal amount to the petitioner within a period of five months from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs."

2. A direction was issued based on the undertaking given by the learned Standing Counsel appearing on behalf of the respondent-TANGEDCO that the entire principal amount as per the invoices will be paid to the petitioner. Therefore, the respondents were directed to pay the



principal amount to the petitioner as per the invoices. The Court has not mentioned the quantum of the principal amount to be settled in favour of the contempt petitioner.

3. In this context, today i.e., on 05.02.2024, the respondents filed a Status Report, which reads as follows:-

“1. I respectfully submit that the admitted principal amount of Rs.1,69,57,292/- have already been paid to the petitioner.

2. I respectfully submit that the disputed amount of Rs.2,02,88,564/- is pending appeal before Hon'ble APTEL vide DFR No.607/2023. The Hon'ble APTEL while considering the delay application in IA No.2307 of 2023 was pleased to condone the delay on 15.01.2024 and directed its Registry to list the matter for final hearing within 10 weeks after completion of pleadings.

3. I respectfully submit that dues raised subsequent to the orders of Hon'bble High Court of Madras in WP No.31881 of 2019 are covered under The Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, dated 03.06.2022 issued by Ministry of Power and



hence is being settled by way of 48 instalments. Out of total arrears of Rs.77,48,260/-, Rs.24,92,640/- have already been paid and the balance amount of Rs.52,55,620/- will be paid in balance 30 instalments as per MoP guidelines.”

4. The learned Standing Counsel for the respondent-TANGEDCO would submit that as per the invoices as calculated by the respondents, the undisputed principal amount has been settled and some more instalments are yet to be paid to the petitioner as and when the respondents are complying as per the agreement and lease payment surcharge rules.

5. Regarding the disputed amount of Rs.2,02,88,564/-, the issues are pending in appeal before APTEL vide DFR No.607 of 2023. Therefore, in respect of the disputed amount only after disposal of these cases, the petitioner has to claim. As far as the order of this Court is concerned, the anticipated principal amount due to the petitioner has been settled and thus the respondents have not committed any willfull contempt.



6. Consequently, the present Contempt Petition stands closed.

However, there shall be no order as to costs.

05-02-2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

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S.M.SUBRAMANIAM, J.

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