



W.P(MD)No.18201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18201 of 2024

M/s.Shrivari Cashew Pvt Ltd,
Rep. by its Director,
Mr.Balavasanth,
SF.No.97/10A, Keelatheru,
Kurungulam West,
Thanjavur District.

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
No.1, Valla Road,
Thanjavur District.

2.The Assistant Engineer (O & M)
TANGEDCO,
Thirukkanurpatti,
Thanjavur District.

3.S.Shivakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to provide the new HT Electricity Connection based on the technical sanction order in Lr.No.SE/TEDC/TJR/AEE/DEV/AE2/F.HT SC/D.O.1827/24-25 dated 10.06.2024 for M/s.Shrivari Cashew Pvt Ltd., company for 225KV at 11KV voltage within a stipulated time frame fixed by this Court.



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WEB COPY For Petitioner : Mr.A.Senthilkumar

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel for R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for R1 & R2.

2. The third respondent filed W.P.(MD)No.13596 of 2024 before this Court. The writ petition was disposed of by me on 20.06.2024 in the following terms:-

“3. The petitioner is the managing partner of SS Impex. The said firm had availed loan from the Indian Bank. When there was default, the bank took recourse to SARFAESI proceedings. The mortgaged land measuring 7 acres was sold in auction. The categorical stand of the petitioner is that the plant and machineries were not mortgaged. According to the petitioner, the possession of the plant and machineries was not taken. In these circumstances, according to the petitioner, the auction purchaser cannot seek transfer of service connection which is meant for plant and machinery. It is also submitted that a separate SARFAESI sale notice has been issued to the plant and machinery and the same has been put to challenge in S.A.No.617 of 2023. An interim order of status quo was granted by the Tribunal.

4. I am of the view that the petitioner has to necessarily seek the relief now sought before me only in S.A.No.617 of 2023 on the file of the Debts Recovery Tribunal, Chennai. Liberty is given to the petitioner to file an interlocutory application in the pending SARFAESI appeal. The petitioner can implead the present respondents alone in the interlocutory application, even



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though the TANGEDCO is not the respondent in the main appeal. I grant such liberty to the petitioner. Since the matter may become infructuous, the petitioner is given breathing time. I direct respondents 1 and 2 to keep the impugned communication dated 21.05.2024 on hold for a period of four weeks. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

3. The petitioner was shown as fourth respondent in the previous case. Notice was not issued to the petitioner on the earlier occasion. The petitioner's counsel categorically states that even though time limit imposed by this Court has been expired, the third respondent herein has not obtained any interim order in his favour.

4. In these circumstances, there is no impediment for the first respondent to process the petitioner's application. The first respondent is directed to process the petitioner's application and act as per law. The Writ Petition is disposed of accordingly. No costs.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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