



W.A.(MD)No.27 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

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Annamalai Paper Mills Pvt. Ltd.,
Rep. by its Chief Executive Officer,
Negin Peter,
Adam Bypass,
MC Road, Angamaly,
Ernakulam District,
Kerala.

... Appellant

vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
Rep. by its Chairman cum Managing Director,
Thiru.K.Gnanadesikan, I.A.S.

2.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Dindigul – 2.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters of Patent, against the order dated 11.08.2014, in W.P.(MD)No.16929 of 2013.

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For Appellant : Mr.K.K.Senthil

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

JUDGMENT

**DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.**

The auction purchaser of a defunct Company was fastened with liability of its purchaser owe towards the consumption charges to the Electricity Board. The same was challenged by the auction purchaser in W.P.(MD)No.16929 of 2013. The Writ Petition was dismissed on 11.08.2014 with the following observations:-

"30.The learned counsel for the respondents submitted that the Board would be willing to accept the proposal of the petitioner subject to the condition that they remit the entire amount of Rs.34,48,063/- in one installment and thereafter the Board will place the reasons for waiver of BPSC charges upto 21.04.2001 to the Electricity Regulatory Commission pursuant to the directions issued by the Commission. In such circumstances, the petitioner having accused themselves of the factual position, cannot now challenge the impugned order and take a different stand than they consciously taken by them in the letter, dated 27.03.2014.



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31. In the light of the above discussions and in view of the decisions referred supra, this Court has no hesitation to hold that the petitioner has not made out any case for interference.

32. Accordingly, this writ petition fails and the same is dismissed. However, if the petitioner is ready and willing to pay the arrears of current consumption charges of Rs. 49,15,738/-, the petitioner is permitted to remit the same in five equal installments. As regards the waiver of BPSC, as undertaken by the Electricity Board, they shall address the competent authority for considering the waiver of BPSC. Consequently, connected miscellaneous petitions are closed. No costs."

2. Aggrieved by that, the appellant/writ petitioner has preferred the present appeal under consideration. However, when the matter was taken up for consideration, the learned counsel for the appellant submitted that pursuant to the order passed by the learned Judge in the Writ Petition, they have complied the order and got new electricity service connection, and also regarding the penalty and other charges, they have approached the Electricity Regulatory Commission and got redressal.



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WEB COPY 3. In view of the above, nothing survives in this Writ Appeal. Hence, this

Writ Appeal is dismissed as infructuous. No costs.

Index : Yes / No
NCC : Yes / No
smn2

[G.J., J.] [C.K., J.]
04.01.2024

To

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Dindigul – 2.



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