

(2010) 11 MAD CK 0201

Madras High Court

Case No: Writ Petition No"s. 11103 to 11107, 11109 to 11111, 11113, 11115, 11131 to 11140, 11172 to 11174, 11196, 11241 to 11246, 11268, 11283, 11286 to 11288, 11313, 11314 and 11316 of 2010 and M.P. No. 1 of 2010 in Writ Petition No"s. 11103 to 11107, 11109 to 1

Christy Friedgram Industry

APPELLANT

Vs

Tamil Nadu Electricity Regulatory
Commission, The Chairman,
Tamil Nadu Electricity Board and
The Superintending Engineer,
Tamilnadu Electricity Board

RESPONDENT

Date of Decision: Nov. 24, 2010

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: R. Sudhakar, J

Bench: Single Bench

Advocate: R.S. Pandiyaraj, in W.P. No. 11103 of 2010, for the Appellant; A. Selvendran in W.P. No. 11103 of 2010, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

R. Sudhakar, J.

Writ Petition No. 11103 of 2010 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the third Respondent in his Notice Lr. No. SE/NEDC/DFC/HT/AS/Asst/F.R.&C/D. No. 26/2010 dated 18.5.2010 and quash the same insofar as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary and against the orders of the first Respondent vide paragraphs 12 and 14 in M.P. Nos. 4 and 7 of 2010 dated 4.5.2010 of the Petitioner concerned.

2. The prayer in all the 38 writ petitions are almost one and the same. Hence, all the writ petitions are taken up together and disposed of by this common order.

3. The above Writ Petitions have been filed challenging the Notice issued by the Superintending Engineer, levying penalty for exceeding quota during evening peak hours. This notice is issued by the Superintending Engineer after the issue has been concluded by the Tamil Nadu Electricity Regulatory Commission in its order M.P. Nos. 4 and 7 of 2010 dated 4.5.2010. The Petitioners, if aggrieved by the decision of the Tamil Nadu Electricity Regulatory Commission, are entitled to pursue the matter by way of appeal to the Appellate Tribunal for Electricity, New Delhi, which course of action has been taken by many High Tension Consumers consequent to the order dated 4.5.2010 passed by the first Respondent Regulatory Commission.

4. It has been brought to my attention that the Appellate Tribunal for Electricity has passed an interim order on 31.5.2010 with regard to payment of the subsisting dues payable by the consumers. Therefore, the Petitioners in these cases are entitled to pursue the appeal remedy and seek appropriate direction for payment of the balance dues taking into consideration the amount already deposited pursuant to the interim order of this Court.

5. If the dispute is relating to quantum of the amount determined, then the Petitioners are at liberty to pursue appropriate remedy in accordance with law.

6. Insofar as the issue decided by the Tamil Nadu Electricity Regulatory Commission is concerned, the Petitioners are at liberty to file an appeal to the Electricity Appellate Tribunal for Electricity, New Delhi.

7. All the above writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions in all the writ petitions are closed.