
(2010) 02 MAD CK 0171

In the Madras High Court

Case No : Writ Petition No. 1850 of 2011 and M.P. No's. 1 to 3 of 2011

Balu Spinning Mills Private Ltd.

APPELLANT

Vs

The Chairman, The Superintending Engineer, Udemalpet Elec.
Distribution Circle, Tamil Nadu Electricity Board and Tamil
Nadu Generation and Distribution Corporation Limited

RESPONDENT

Date of Decision : 03-02-2010

Acts Referred:

Citation : (2011) WritLR 383

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : Rahul Balaji, for the Appellant; J. Ravindran, for the Respondent

Judgement

R. Sudhakar, J.—Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second Respondent contained in Lr. No. SEU/UDT/AEE/GL/AE/SDM/F.HT.GL/D. No. 0075/11 dated 10.1.2011 and quash the same as arbitrary and illegal and consequently direct the Respondents 2 and 3 to forthwith receive and take up the Petitioner's application in respect of its HT SC No. 357 for an additional demand of 500 KVA over and above its existing sanctioned demand of 1340 KVA and process and grant the same without insisting upon payment of alleged dues that are subject matter of challenge before this Court in W.P. No. 28008/2010 dated 8.12.2010.

2. Mr J. Ravindran, learned Counsel takes notice on behalf of the Respondent electricity board. By consent of both parties, the writ petition is taken up for final disposal.

3. Petitioner seeks additional demand of 500 KVA over and above its existing sanctioned demand 1340 KVA. Second Respondent rejected the request of the Petitioner by his impugned proceedings dated 10.1.2011 stating that certain amount is due in respect of another HT SC No. 197 and there is an order of stay passed in W.P. No. 28008 of 2010 dated 22.12.2010 in that case and it is still pending.

4. The pendency of a writ petition with regard to claim in one service connection cannot be a ground to reject the Petitioner's right to seek additional demand under different HT Service Connection on its own merits. Respondents' counsel has not referred to any rule or provision of law to substantiate such a plea nor is it referred to in the impugned letter. Hence, the authority erred in clubbing the issue. It is not disputed by the Respondents' counsel that in respect of HT Service Connections, each service connection is dealt with based on the cause of action that will arise in respect of that service connection.

5. In view of the above, the impugned letter is set aside and the second Respondent is directed to consider the application of the Petitioner on its own merits and in accordance with law, if other wise in order and dispose the same within a period of two weeks from the date of receipt of a copy of this order. The Writ Petition is ordered as above. No costs. Consequently, connected miscellaneous petitions are closed.