
(2010) 10 MAD CK 0327

In the Madras High Court

Case No : Writ Petition (MD) . No"s. 8550 of 2010 and M.P. (MD) . No"s. 1 of 2010

Maris Spinners Ltd.

APPELLANT

Vs

The Superintending Engineer

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 MAD CK 0327

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : R.S. Pandiyaraj, for the Appellant; M. Suresh Kumar for TNEB, for the Respondent

Judgement

M. Jaichandren, J.—At this stage of the hearing of the writ Petition, it has been submitted by the learned Counsel appearing on behalf of the Petitioner that the Petitioner had agreed to pay the peak hour penalty imposed by the Respondent Tamil Nadu Electricity Board, on instalments.

2. The learned Counsel appearing for the Petitioner had further submitted that the Petitioner had already paid eight instalments, without any default, and the same had been accepted by the Respondent Tamil Nadu Electricity Board. In such circumstances, the Respondent may be directed to consider the application of the Petitioner, dated 17.02.2010, praying for sanction of additional demand.

3. The learned Counsel appearing on behalf of the Respondent has no objection for this Court directing the Respondent to dispose of the application of the Petitioner, dated 17.02.2010.

4. In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned Counsels appearing on behalf of the Petitioner, as well as the Respondent, this Court finds it appropriate to quash the impugned letter of the Respondent, dated 20.04.2010, as it has no legal basis. This Court also finds it appropriate to hold that the

pendency of any other litigation relating to various other issues cannot be a ground for rejecting the request of the Petitioner for providing additional load to the Petitioner. It is also noted that the Petitioner had been permitted to pay the peak hour penalty imposed by the Respondent Tamil Nadu Electricity Board, on instalments. In such circumstances, the Respondent is directed to consider the application of the Petitioner, dated 17.02.2010, and pass appropriate orders thereon, for additional demand of 245 KVA over and above the existing sanctioned demand of 1350 KVA.

This writ petition is disposed of with the above direction. consequently, the connected miscellaneous petition is closed. No costs.