

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17323 of 2015
and M.P.Nos.1 and 2 of 2015

M/s.Kamachi Sponge & Power
Corporation Limited (H.T.No.19890 10 MW)
rep.by its Director: Vinod Kothari,
ABC Trade Centre,
3rd Floor, No.39, Anna Salai,
Chennai - 600 002. ... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
rep.by its Chairman and Managing Director,
No.144, Anna Salai, Chennai - 600 002,
2. The Superintending Engineer,
TANGEDCO,
Chennai (North) Circle,
No.144, Anna Salai,
Chennai - 600 002,
3. Tamil Nadu Regulatory Commission,
rep.by its Secretary,
No.19-A, Rukmani Lakshmipathy Salai,
Marshallas Road, Egmore, Chennai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to forbear the respondents from levying or collecting the Start up power charges and demand charges in the monthly electricity consumption bills pertaining to HT SC.No.1989 of the petitioner since the petitioner is not drawing electricity for start up from April, 2014 as the petitioner had purchased their own 725 KVA generator for the purpose of start up and the petitioner had surrendered the sanctioned 1111 KVA demand by termination of the agreement by letter dated 13.3.2015.

For Petitioner : Mr.K.Jayachandran
For Respondents : Mr.P.R.Dhilipkumar

ORDER

By consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2. The petitioner would state that it established a captive generating power plant to generate electricity to the tune of 10 MW waste heat recovery boiler power plant, primarily for its own use at Pathapalayam village, SR Kandigai Post, Gummidipoondi and the petitioner had spent nearly Rs.50 Crores for the establishment of the said plant. According to the petitioner, since it is a generator of power, it can avail power from the 1st respondent's grid to start up the power plant's auxiliaries whenever there is outage of petitioner's generator. For availing the start up power, the petitioner was sanctioned 1111 KVA i.e., 10% of the installed capacity as demand by the 2nd respondent in terms of the orders of the 3rd respondent and guidelines. But it has been done without any request from the petitioner and for availing the power, the petitioner has to pay the demand charges as prescribed by the 3rd respondent. The petitioner filed W.P.No.28886 of 2013 challenging the demand of start up energy and demand charges levied in the monthly bill and vide order dated 24.10.2013 this Court has granted stay subject to the condition the petitioner shall pay 50% of the demand in each bill. The petitioner would further state that it has also purchased 725 KVA generator for the specific use of start up power during the outage of power plant and consequently he need not depend on the Tamil Nadu Generation and Distribution Corporation Limited (in short, 'TANGEDCO') for the start up power at any time. The petitioner in this regard submitted representations dated 18.4.2014, 13.11.2014 and 13.3.2015 to the 2nd respondent bringing to his knowledge the said facts with a request not to make demand to a start up power. Since no response is forthcoming from the 2nd respondent, the petitioner came forward with the present writ petition.

3. Mr.K.Jayachandran, learned counsel appearing for the petitioner would submit that since the petitioner has purchased generator the petitioner need not depend upon TANGEDCO for start up power and unnecessarily the petitioner is incurring heavy amounts towards start up power demand charges and prays for appropriate orders.

4. This Court also heard learned counsel Mr.P.R.Dhilipkumar, who accepts notice on behalf of respondents No.1 to 3.

5. Though the petitioner prays for larger relief, this Court, in the facts and circumstances of the case, and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider the petitioner's representations dated 18.4.2014, 13.11.2014 and 13.3.2015 after affording an opportunity of personal hearing to the authorized representative of the

petitioner and pass orders in accordance with law within a period of six weeks from the date of receipt of copy of this order and also communicate the decision taken to the petitioner.

The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002,
 2. The Superintending Engineer,
TANGEDCO,
Chennai (North) Circle,
No.144, Anna Salai,
Chennai - 600 002,
 3. The Secretary,
Tamil Nadu Regulatory Commission,
No.19-A, Rukmani Lakshmipathy Salai,
Marshallas Road, Egmore, Chennai.
- + 1 cc to Mr.K.Jayachandran, Advocate SR 30104

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W.P.No.17323 of 2015

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