



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P(MD).No.6473 of 2013 and
M.P(MD).No.1 of 2013

M/s. Naachiar Paper Boards Private Limited,
rep. By its Manager M. Samayakaruppasamy,
HTSC No.302,
S.F.No.352 and 353 Sevelpatti Village,
Near Vembakottai,
Sivakasi.

... Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory,
Commission rep. By its Secretary,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai -8

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002

3. The Chief Engineer,
Non conventional Energy Source,
144, Anna Salai, Chennai - 600 002

4. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in his Bill No.302 dated 02.04.2013 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.5,51,803/- in Serial No.13(f) and quash the order as illegal and arbitrary, without the authority of law, forbear the fourth respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, road shedding are in force and consequently direct the fourth respondent to give refund / adjustment of the amount already



collected from the petitioner.

For Petitioner ... Mr.S. Karunakar
For R1 ... Mrs.S. Srimathi
For R2 to R4 ... Mr.G. Kasinatha Durai.

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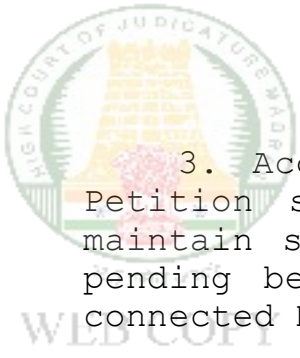
ORDER

The Writ Petition is primarily concerned with the levy of penalty by the respondent in the form of excess demand charges.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner and the learned standing counsel appearing for the Tamil Nadu Electricity Board submitted that the issue raised by the petitioner has already been decided by this Court in batch of Writ Petitions in W.P.(MD).Nos.9379 of 2013 and batch, dated 27.02.2013 and the following direction has been issued. The relevant para 4 reads as follows:-

4. The learned single Judge was pleased to dispose of a batch of writ petitions, covering the very same point. The concluding paragraph of the common order reads thus:-

"16. Thus taking into consideration the above stated circumstances and looking into the grievance put forth by the Writ Petitioners and the stand taken by the respondents that as per the orders of this Court, the State Commission has considered the claim raised in the case of Indian Wind Power Association and South Indian Spinning Mills Association in M.P.Nos.42 and 32 of 2010 respectively and the Commission, by its order dated 28.12.2011, has ordered that the equivalent demand should be arrived based on on the actual adjusted units only, and the subsequent fact that Indian Wind Power Association and South Indian Spinning Mills Association has filed appeal petitions before the Appellate Tribunal has rendered its findings to the effect as stated supra, it would be appropriate to direct the Tamil Nadu Regulatory Commission to adjudicate the matter as directed by Appellate Tribunal in its order dated 12.12.2012 made in Appeal Nos.51 and 56 of 2012 within the time frame fixed by the appellate Tribunal. It is made clear that petitioners are at liberty to adjudicate all the issues and questions raised in these writ petitions before the Commission and the Commission shall take into the same by giving them an opportunity of hearing. Similarly, it is needless to say that the Commission shall take into account all the relevant provisions of law and the discussions and decision arrived at by the Appellate Tribunal in its order dated 12.12.2012. All the Writ Petitions stand disposed of accordingly. Till such time the Commission takes a decision, the parties to the writ petitions are directed to maintain status quo as on date. Connected Miscellaneous Petitions are closed. There shall be no order as to costs".



3. Accordingly, in the light of the above order, the Writ Petition stands disposed of and the petitioner is directed to maintain status quo as on date, till the disposal of the matter pending before the Appellate Tribunal. No costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

trp

To

1. The Secretary,
Tamil Nadu Electricity Regulatory,
Commission ,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai -8

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002

3. The Chief Engineer,
Non conventional Energy Source,
Chennai - 600 002

4. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

+one cc to Mr.G.Kasinatha Durai, Advocate in SR.NO.67299

CSL/GSV-AN/04.12.2015
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