

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12565 of 2016
and
W.M.P.No.10856 of 2016

M/s.Rollatainers Ltd.,
represented by its Authorized Signatory,
Mr.M.Kannan,
S/o.C.M.Mohanam,
Plot No.84, SIPCOT Phase I,
Hosur, Krishnagiri District. Petitioner

Versus

1. The Chairman,
Tamil Nadu Generation and
Distribution Company Ltd.,
(TANGEDCO),
No.144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.
3. M/s.Prathyusha Power Gen Pvt. Ltd.,
103, Prince Towers,
No.25/26, College road,
Chennai-600 006.
4. Bhatia Coke & Energy Ltd.,
Ketnalmalle Village,
Gummidipoondi,
Thiruvallur District - 601 201.
5. M/s.ES Logic Power,
Door No.16, HIG New Housing Board,
2nd Phase,
Krishnagiri-635 001. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records pertaining to the proceedings bearing Ir. No. SE/KEDC/DFC/AO/AAO/HT/AS/RCS-HT/F. HTSC.247/D No.236/16,

dated 10.03.2016, on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Vasudevan
For Respondents : Mr.M.Varunkumar
Standing Counsel [R1 & R2]

O R D E R

Heard Mr.G.Vasudevan, learned counsel for petitioner and Mr.M.Varunkumar, learned Standing Counsel, accepting notice on behalf of respondents 1 and 2. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner, a Limited Company, is aggrieved by the impugned proceedings dated 10.03.2016, by which, there is a demand for short levy. It is stated in the impugned proceedings that while reviewing the power injection statement in respect of HT SC No.247 with SLDC approval for the period from April 2014 to March 2015, it was found that the (i) allotment was varied for the months of January 2015 and February 2015 (ii) State Load Dispatch Centre approval was not accorded for November 2014 and (iii) no allotment was made for the months December 2014 and March 2015, but adjustments were made and therefore, the short levy for the said period has been worked out and demanded from the petitioner.

3. Mr.G.Vasudevan, learned counsel for the petitioner, after reiterating the factual averments contended that the impugned proceedings have been issued without notice to the petitioner and without considering the factual matrix and that even for the months of November 2014, December 2014, January 2015, February 2015 and March 2015, the petitioner has obtained 'No Objection Certificate' from the second respondent and the same was submitted to the State Load Dispatch Centre and as a consumer, the petitioner has not been furnished with a copy of the SLDC approval or injection statement. On the other hand, at the end of the month, the units are adjusted in the EB bill.

4. Apart from the above contention, several other contentions have also been raised in the Writ Petition. It is seen that the petitioner has submitted a representation dated 29.03.2016 to the second respondent requesting him to recall the demand and drop the demand and pass orders on merits after affording a personal hearing.

5. In the light of the above, since the present demand is for a period stated to be from April 2014 to March 2015, this

Court is of the view that the petitioner should be afforded an opportunity of personal hearing to put-forth their objections, which they have already done vide their letter dated 29.03.2016.

6. In the light of the above, there will be a direction to the second respondent to consider the petitioner's letter dated 29.03.2016, afford them an opportunity of personal hearing and after perusing all the documents and records to be placed by the petitioner at the time of hearing, the second respondent is directed to pass a speaking order on merits and in accordance with law, within a period two weeks from the date on which, the personal hearing is concluded. Till orders are passed by the second respondent, the impugned demand shall be kept in abeyance.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Company Ltd.,
(TANGEDCO),
No.144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

+1cc to Mr.G.Vasudevan, Advocate, S.R.No.21158

W.P.No.12565 of 2016

EV(CO)
CA(05/04/2016)