

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.09.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.30776 of 2016

KOG-KTV FOOD PRODUCTS (INDIA) PVT.LTD.,
HTSC No.197

Registered Office: No.48/310
Tambu Chetty Street
Chennai 600 001
repd. By its General Manager
S.Duraibabu

.... Petitioner

.. Vs ..

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukmini Lakshmi Pathy Salai,
(Marshall's Road),
Egmore, Chennai-600 008.
2. The Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
144, Anna Salai, Chennai-600 002
Represented by its Chairman.
3. The Chief Engineer/NCES,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
4. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
5. The Superintending Engineer,
TANGEDCO,
Tuticorin electricity Distribution Circle,
Tuticorin-2.

..Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of MANDAMUS or any other writ or order or direction in the nature of a Writ directing the 2nd and 3rd Respondents to dispose off the petitioner's representation dated 11.04.2016 seeking clarifications on various discrepancies in the 5th Respondent's communication dated 23.06.2015 resulting in excess charges collected from the petitioner.

For Petitioner : Mr.S.P. Parthasarathy

For Respondents : Mr.S.K.Raameshuwar (TNEB)

ORDER

Heard the learned counsel for the petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel, who took notice on behalf of the respondents and with their consent, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed praying for a writ of mandamus directing the 2nd and 3rd respondents to dispose of the representation of the petitioner dated 11.04.2016 within a stipulated time.

3. The petitioner is an Industry, manufacturing edible oil. The petitioner Company is having high tension service connection bearing HTSC No.197. The Petitioner is also generating windmill energy and they are wheeling the wind power for their captive use in their service connection in accordance with the Energy Wheeling Agreement dated 19.07.2013. For infusing the power generated by the petitioner into the system, the petitioner has to pay wheeling charges for the years 2010-2014. The petitioner was given a communication of the 5th respondent on 23.06.2015, giving the details of the wheeling charges. After receiving the said communication, the petitioner, pointing out the discrepancies in the details, given a representation on 11.04.2016 to the respondents. However, the respondents have not taken any action nor replied. Therefore the petitioner is before this court.

4. The facts are not disputed. The Wheeling charges details were given by the 5th respondent to the 4th respondent by the communication dated 23.06.2015, a copy of which was marked to the petitioner, for which, the petitioner made a representation pointing out the discrepancies on 11.04.2016. So far, there is no response.

5. In view of the same, the third respondent is directed to consider the petitioner's representation dated 11.04.2016, on merits and as per law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that while considering the petitioner's representation, the 3rd respondent is directed to take into consideration, the order dated 22.04.2009 passed by the 1st respondent in DRP No.28 of 2008, if it is applicable.

The writ petition is disposed of with the above directions.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rg/kp

To

1. Tamil Nadu Electricity Regulatory Commission repd. By its Secretary, 19-A, Rukmini Lakshminpathy Salai, (Marshall's Road), Egmore, Chennai-600 008.
2. The Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO), 144, Anna Salai, Chennai-600 002 Represented by its Chairman.
3. The Chief Engineer/NCES, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), 144, Anna Salai, Chennai-600 002.
4. The Superintending Engineer, TANGEDCO, Udumalpet Electricity Distribution Circle, Udumalpet.
5. The Superintending Engineer, TANGEDCO, Tuticorin electricity Distribution Circle, Tuticorin-2.

+1 cc to Mr.R.S.Pandiaraj Advocate sr 50061

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