

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition Nos. 7162 and 7163 of 2016
and
W.M.P. Nos. 6362 and 6364 of 2016

M/s. S.L.O. Industries Ltd.,
Chennai-19,
rep. by its Manager,
Mr. Pratap Kumar Rakesh

...Petitioner in both W.Ps.

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Chennai Electricity Distribution
Circle/North,
TANGEDCO, 144,
Anna Salai, Chennai - 600 002.

...Respondents in both W.Ps.

Prayer in W.P.No. 7162 of 2016

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari and Mandamus to call for records, pertaining to the Bill No. 1777, dated 01.07.2015 issued by the second respondent in which, extra levy of Rs. 12,25,950/- has been demanded and collected in Item No. 14 as Add/Less Adjustment charges and to quash the same as illegal, and against Regulation 2 (w) of the Tamil Nadu Electricity Distribution Code 2004, and consequently, to direct the second respondent to refund or adjust the amount collected from the petitioner in the future consumption bills.

Prayer in W.P.No.7163 of 2016.

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records, pertaining to the Bill No.1816, dated 29.06.2015 issued by the second respondent, in which, extra levy of Rs.48,499/- has been demanded and collected in Item No.14 as Add/Less Adjustment charges and to quash the same as illegal, and against Regulation 2 (w) of the Tamil Nadu Electricity Distribution Code 2004, and consequently, to direct the second respondent to refund or adjust the amount collected from the petitioner in the future consumption bills.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel

COMMON O R D E R

As the issue involved in these Writ Petitions and the parties are one and the same, they have been taken up together and disposed of by this common order.

2. The petitioner has filed these Writ Petitions praying for issuance of Writ of Certiorarified Mandamus to quash the Bills, dated 01.07.2015 and 29.06.2015, issued by the second respondent, insofar extra levy of Rs.12,25,950/- (vide Bill, dated 01.07.2015) and Rs.48,499/- (vide Bill dated 29.06.2015) and the demand from the petitioner, listed as Item No.14 in the aforesaid Bills, as illegal and arbitrary against Regulation 2 (w) of the Tamil Nadu Electricity Distribution Act 2004, and consequently, to direct the second respondent to refund or adjust the amount collected from the petitioner in the future consumption bills.

3. Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for respondents.

4. The petitioner has submitted a representation, dated 31.07.2015, requesting for refund of the excess penal charges for the Bill for June, 2014, included in July, 2015 bill. The said representation has been received by the Office of the second respondent, on 01.08.2015. Though several grounds have been raised by the petitioner, challenging the demand in the impugned bills, this Court, at this juncture of the matter, is not inclined to go into those aspects, as the request made by the petitioner for refund/adjustment is still pending

consideration before the second respondent. Therefore, the second respondent should take a decision on the petitioner's representation, dated 31.07.2015.

5. In the light of the above, while observing that at this juncture that this Court is not inclined to examine the correctness of the demand made in the impugned bills, simultaneously, issues a direction to the second respondent to consider the petitioner's representation, dated 31.07.2015, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and dispose of the same. The above direction be complied with by the second respondent within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction and observations, both Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.
sd

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.

The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144, Anna Salai, Chennai - 600 002.

2.

The Superintending Engineer,
Chennai Electricity Distribution
Circle/North,
TANGEDCO, 144,
Anna Salai, Chennai - 600 002.

+ 1 cc to Mr.K.Seshadri, Advocate Sr 22141
+ 1 cc to Mr.P.R.Dhilipkumar, Advocate Sr 22306

KR/18/4/16

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