

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

The HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.24677 of 2017 and
W.M.P.Nos.26040 to 26042 of 2017

M/s.E.I.D. Parry (India) Limited,
with its Registered Office at Dare House,
Parrys Corner, Chennai - 600 001,
and one of its Sugar Factory
located at Pugalur, Karur - 639 113
rep by its Sr. AVP - Legal,
Biswa Mohan Rath ... Petitioner

Vs

- 1.Tamil Nadu Electricity Generation
and Distribution Company (TANGEDCO),
rep by its Chairman and Managing Director,
No.144, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer
Karur Electricity
Distribution Circle, Karur.
- 3.The Chief Financial Controller/Revenue,
TANGEDCO, No.800, Anna Salai,
Chennai - 600 002.
- 4.The Deputy Financial Controller,
Karur Electricity Distribution Circle,
Karur. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records of the 3rd Respondent comprised in impugned circular bearing Memo No.CFC/FC/DFC/AS.3/REV/D.No.304/16 dated 03.12.2016 and the consequent letters issued by the 2nd Respondent comprised in letter bearing reference Lr.No.SE/KEDC/KRR/AS/HT/F.PARALLEL/D.19/2017 DATED 09.01.2017, Lr.No.SE/KEDC/KRR/AS/HT/F.PARALLEL/D.79/2017 DATED 17.02.2017 and Lr.No.SE/KEDC/KRR/DFC/HT/AS/F.HTSC: 76/D.364/2017 DATED 06.09.2017 and the impugned CC Bill for the month of August 2017 issued by the 4th respondent dated 31.08.2017 and quash the same as being arbitrary, illegal, violative of principles of natural justice besides being violative of the provisions of the Electricity Act, 2003 and Tamil Nadu Electricity Regulatory Commission Grid Connectivity and Intra-State Open Access Regulations, 2014.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.P.Gunaraj, Standing Counsel

O R D E R

Mr.P.Gunaraj, learned Standing Counsel takes notice for the respondents. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above writ petition to issue a writ of certiorari calling for the records of the 3rd Respondent comprised in impugned circular dated 03.12.2016 and the consequent letters issued by the 2nd Respondent dated 09.01.2017, 17.02.2017 and 06.09.2017 and the impugned CC Bill for the month of August 2017 issued by the 4th respondent dated 31.08.2017 and to quash the same being violative of the provisions of the Electricity Act, 2003 and Tamil Nadu Electricity Regulatory Commission Grid Connectivity and Intra-State Open Access Regulations, 2014.

3.The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, by order dated 22.03.2017 in W.P.No.2128 of 2017 etc. batch, disposed of the writ petitions with the following observations:-

" 2.Considering the facts of the case, this Court is of the view that it would be appropriate if the issues are referred to the Tamil Nadu Electricity Regulatory Commission by the respondents and its decision would enable this Court to come to a proper decision.

3.In such view of the matter, a direction is issued to the respondents to refer the issues pertaining to Parallel Operation Charges and the impugned Circular dated 03.12.2016 to the Tamil Nadu Electricity Regulatory Commission within a period of two weeks from the date of receipt of a copy of this order. The Commission is expected to give its decision within a period of eight weeks thereafter. While doing so, the Commission shall take into consideration the views of the petitioner as well as the respondents.

4. In view of the above, there is no need to keep the present writ petitions pending till the outcome of the decision. It is needless to mention that if the petitioners are aggrieved by the said decision to be taken by the Commission, it is well open to them to have recourse, if they are so advised".

4.Mr.P.Gunaraj, learned Standing Counsel appearing for the respondents submitted that the prayer sought for in the Writ Petition is similar to that of the prayer sought for in the Writ Petitions, which were already disposed of by this Court in W.P.No.2128 of 2017 etc., batch.

5.In view of the submissions made by the learned counsel on either side, a direction is issued to the respondents to refer the issues pertaining to Parallel Operation Charges and the impugned Circular dated 03.12.2016 to the Tamil Nadu Electricity Regulatory Commission within a period of two weeks from the date of receipt of a copy of this order. The Commission is expected to give its decision within a period of eight weeks thereafter. While doing so, the Commission shall take into consideration the views of the petitioner as well as the respondents.

6.In view of the above, there is no need to keep the present Writ Petition pending till the outcome of the decision. It is needless to mention that if the petitioner is aggrieved by the said decision to be taken by the Commission, it is well open to them to have recourse, if they are so advised. The petitioner is permitted to pay the other demand charges, excluding the parallel operation charges.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman and Managing Director,
Tamil Nadu Electricity Generation
and Distribution Company (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer
Karur Electricity Distribution Circle, Karur.
- 3.The Chief Financial Controller/Revenue,
TANGEDCO, No.800, Anna Salai, Chennai - 600 002.
- 4.The Deputy Financial Controller,
Karur Electricity Distribution Circle, Karur.

+ 1 cc to Mr. P. Gunaraj, Standing Counsel, SR.67091

W.P.No.24677 of 2017 and
W.M.P.Nos.26040 to 26042 of 2017

CS-IV

EU 15.09.17

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