

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24899 of 2004
and
W.M.P.No.30260 of 2004

Elgi Rubber Products Limited,
Athur, Thimmavaram Post, Chengalpattu,
Kancheepuram District rep by its
Director S.R.Venkatachalam.Petitioner

Vs

1. The Chairman,
TNEB, No.800, Anna Salai,
Chennai - 2.
2. The Chief Engineer - Commercial,
TNEB, No.800, Anna Salai,
Chennai - 2.
3. The Superintending Engineer,
Chengalpet Electricity Distribution Circle,
Chengalpet. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration, declaring that the levy, demand and collection of peak hour charges by the respondents at 0.70 paise extra (20% extra) from the petitioner on the total consumption of electricity in their industries / Mills / Factories without fixing a meter or programme the existing meter in their wind mills for taking into consideration to set off the electricity generated or produced through their wind mills against consumption during the peak hour as unconstitutional, illegal and null and void and direct the respondents to refund to the petitioner the total amount collected illegally as peak hour charges from the petitioner for their own generated electricity through wind mills during peak hours till date.

For Petitioner :Mr.Palani Selvaraj

For Respondents:Mr.S.K.Raameshwar
Standing Counsel for TNEB

O R D E R

The learned counsel for the writ petitioner brought to the notice of this Court that the similar issues were already decided by the Division Bench of this Court in the case of BMF Beltings Limited Vs. The Chairman Tamil Nadu Electricity Board & Others reported in [2006] Supreme (Mad) 3066 , held in paragraphs 17 and 18, which read as under:-

"17. This is the problem which crops whenever batch matters are disposed of against the petitioners challenging fiscal levy made by the State or its agencies. If only at the time of admission of the writ petition terms are imposed either by Bank Guarantee or deposit of the disputed amount, these requests will not be forthcoming.

18. In view of the said request made by the petitioners, we hereby direct the respondent Board to supply a statement account to each of the petitioners (who are also otherwise HT Consumers) showing the arrears of payment to be made by them towards peak hour charges in terms of G.O.Ms. No.17 dated 14.02.1997. On furnishing of the said statement, the writ petitioners shall pay the amount within a period of four weeks thereafter without raising any further objections in respect of the same."

2. In view of the abovesaid judgment of the Hon'ble Division Bench, no further consideration is required in respect of the grounds raised in the present writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns

To

1. The Superintending Engineer,
Chengalpet Electricity Distribution Circle,
Chengalpet.

W.P.No.24899 of 2004

RV (CO)
GN (19/12/2018)



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