

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2018

CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21391 of 2018
and
W.M.P.Nos.25082,25083, 28182 of 2018

Rajashree Spintex P Ltd.,
HTSC No.222,420-A,
Vaithiyalingapuram (Po),
Kothankulam, Rajapalayam-626 154,
Rep.by its Authorised Signatory,
A.Mariappan.

..Petitioner

Vs

- 1.Tamil Nadu Electricity Regulatory Commission,
Rep.by its Secretary,
19-A, Rukmini Lakshmipathy 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.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai - 600 002,
- 4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.
- 5.The Accounts Officer / Revenue,
The Superintending Engineer Office,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the 3rd respondent's impugned circular Memo CFC/R/FC/R/DFC-R1/F.HTLT-RTI/D.30/2015, dated 03.02.2016 in so far as the para 3(iii) is concern and consequential impugned

demand notice bearing Lr.No.SE/VREDC/VDR/DFC/AO/REV/AAO/HT/AS.6/F.HT.SC.No.222 DNO:510/2018, dated 17.07.2018 issued by the 4th respondent and impugned CC bill dated 01.08.2018 insofar as it relates to the alleged demand amount of Rs.16,18,260/- alone in Serial No.21 'Other Adjustments' issued by the 5th respondent quash the same as illegal, arbitrary against principles of natural justice and without authority of law and against the 1st respondent's Tariff Order No.3 of 2006, dated 15.05.2006 and the Electricity Act, 2003.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.K.Rameshwar
Standing Counsel

ORDER

The writ petition has been filed to quash the demand notice bearing Lr.No.SE/VREDC/VDR/DFC/AO/REV/AAO/HT/AS.6/F/HT.SC.No.222 D NO.510/2018, dated 17.07.2018, issued by the fourth respondent and C.C.Bill dated 01.08.2018, in and by which the petitioner has been directed to remit a sum of Rs.16,18,260/-, towards the excess demand and energy charges.

2. It is the case of the petitioner that the petitioner-Mill is having High Tension Electricity Supply in H.T.Sc.No.222, apart from consuming power from the respondents. They have also invested in wind mills for captive consumption and the energy so generated in their wind mills are adjusted to their industry. While so, the fourth respondent has issued a notice dated 28.05.2018, demanding a sum of Rs.16,18,260/-, towards short levy of peak hour excess energy and demand charges for the back period from 08/2009 to 11/2011, to which the petitioner submitted its detailed objection on 01.06.2018. However, without considering the same, the fourth respondent has passed an order on 18.06.2018, directing the petitioner to pay the said sum of Rs.16,18,260/-, as demanded in the aforesaid notice. On receipt of the same, the petitioner sent a letter dated 04.08.2018 with break up details for the period from 08/2009 to 11/2011. But, the fourth respondent has not considered the same and issued the demand notice dated 17.07.2018, which is impugned herein.

3. The learned counsel for the petitioner submitted that the third respondent through a circular memo dated 03.02.2016, has issued instructions/guidelines to all the Superintending Engineers, as to how the demand notices/audit objections for the past period, has to be issued to HT Consumers and collect the same. Without following the same and without affording an opportunity of personal hearing to the petitioner, the fourth respondent revised the CC bills, which is arbitrary, illegal and

in violation of the principles of natural justice. However, the learned counsel ultimately submitted that the fourth respondent has failed to communicate the audit report to the petitioner and hence, it would suffice, if the fourth respondent is directed to furnish the copy of the said audit report to the petitioner, so as to enable them to file their objections, for which, the learned standing counsel for the respondents has no serious objections.

4. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the fourth respondent to furnish a copy of the audit report to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the petitioner shall file their objections, enclosing necessary documents to the fourth respondent within a period of two weeks, thereafter. On receipt of the same, the fourth respondent shall conduct necessary enquiry and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy 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 Director Finance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai - 600 002,

4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

5.The Accounts Officer / Revenue,
The Superintending Engineer Office,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

+lcc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.69190

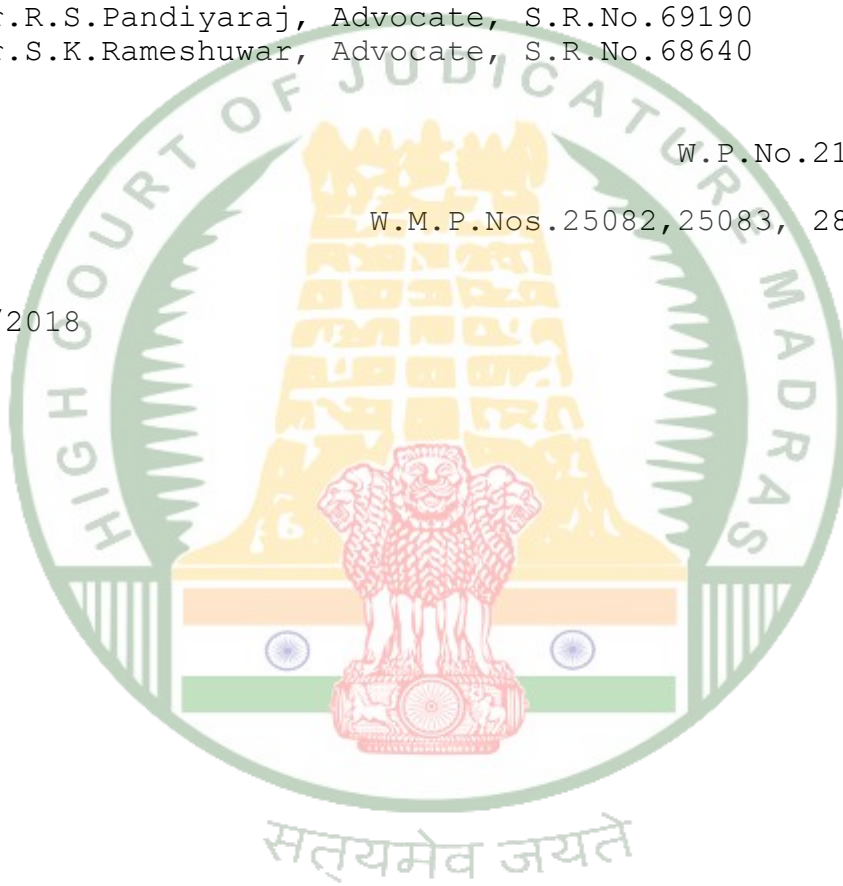
+lcc to Mr.S.K.Rameshuwar, Advocate, S.R.No.68640

W.P.No.21391 of 2018
and

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SR(CO)

rrs 13/12/2018



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