

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.16454 to 16456 of 2010

and

M.P.Nos.1, 1 & 1 of 2010

M/s.Sidhi Smelters (P) Ltd.,
H.T.SC.No.1772,
A-3, SIPCOT Industrial Complex,
Gummidipoondi-601 201
Thiruvallur District, Rep. By its
Business Executive
Tmt.Malathy .. Petitioner in WP.No.16454/2010

M/s.A.R.S.Metals,
H.T.SC No.1547,
D-109, 2nd Floor, L.B.R.Complex,
Anna Nagar East,
Chennai-600 102, Rep. By its
Deputy Director, N.Prabhu
...Petitioner in WP.Nos.16455 and 16456/2010

Vs

1. Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai-600 008,
Rep. By its Secretary.
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002. ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the Third Respondent in Lr.No.SE/CEDC/N/AAO/HT/AS/HTNo.1772/D/10 (WP.No.16454/2010), Lr.No.SE/CEDC/N/AAO/HT/AS/HTNo.1547/D/10 (WP.No.16455/2010) and Lr. No.SE/ CEDC / N / AAO / H T / AS / HTNo.1793/D/10 (WP.No.16456/2010) dated 12.05.2010 and quash the same as illegal, arbitrary and against the circular dated 1.11.2008 and 16.03.2009 and consequently direct the third respondent to adjust the amounts collected on 15.06.2010 and 15.07.2010 towards excess charges for consumption during evening peak hours in future consumption bills.

For Petitioner in all WPs :Mr.K.Seshadri

For Respondents in all Wps:Mr.Mr.P.R.Dilipkumar

COMMON ORDER

The relief sought for in these writ petitions is with regard to adjustment of the amounts collected from the petitioners towards excess charges for consumption during evening peak hour in future consumption bills.

2. When the matters were taken up for consideration, the learned counsel for the respondents has produced a copy of the memo dated 31.08.2009 bearing No.CE/Comm1/EE/DSM/AEE/PMM/F.Power Cut/D.394/09 issued by the second respondent, wherein, the following instructions were given to the consumers:

"1. Due to revised and relaxation of power cut, if the consumer demand quota is equal or more than the existing optimum demand, the request to revise optimum demand based on the revised demand shall not be allowed and as such whatever the demand quota revised due to relaxation of power cut shall be fixed as demand quota. For the above category, optimum demand cannot be permitted.

2. For the existing optimum demand, due to increase in demand quota based on the relaxation of power cut, if the number of continuous working days is increased, the actual number of days works out shall only be permitted. In the above condition, if the number of continuous working days exceeds more than 25 days, then the consumers should avail minimum 5 days as holiday (30 days x 4 hours (peak hours 6 to 10 hrs

= 120hours = 5 days) for the billing month for availing peak hour exemption in respect of continuous process.

3. In respect of non - continuous industries, they may be permitted to work for the actual number of days arrived as per 1(n) of the working instruction with peak hour restrictions.

4. Each and every time, based on the written request for optimum demand, the above condition for optimum utilisation may be informed to the consumer and after getting written consent, appropriate order may be issued.

5. Optimum demand concept is applicable for those consumers availing Board's power only. Optimum demand will not vary and once opted is final.

6. Those continuous process industries notified by Govt. (ie. Lists already communicated) and if opted for continuous running with optimum demand, peak hour restriction need not be insisted. Industries other than continuous process industries notified by Govt. and if opted for running with optimum demand, peak hour restriction shall be insisted (as already instructed in CH. (CFC/Rev) Memo.dt. 16.3.09)"

3. In the light of the aforesaid memo issued by the second respondent, this Court is of the view that no further order is required in these writ petitions. Hence, recording the same, all the writ petitions stand closed. No costs. Consequently, connected miscellaneous petitions are also closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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+3 C.C. to Mr.K.Seshadri Advocate SR.NO. 53604,53903,53902

W.P.Nos.16454 to 16456 of 2010

and

M.P.Nos.1, 1 & 1 of 2010

RK(CO)

ASK(04/09/2018)