

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19823 of 2010

and

M.P.No.1 of 2010

M/s.J.R.Smelters Pvt.Ltd.,
H.T.Sc.No.1778,
No.3, Manali Express Road,
T.K.P.Nagar,
Chennai 600 019.
Rep by its Director
Pramod Singh

.... Petitioner

Vs

1. The Tamil Nadu Electricity Regulatory
Commission,
Rep by its Secretary,
No.19-A, Rukmini Lakshmiipathy Salai
(Marshall Road),
Egmore, Chennai-600 008,
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,
Thirumangalam, Anna Nagar,
Chennai-600 040.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the third respondent in Lr.No.SE/CEDC/N/DFC/HT No.1778/D799/10 dated 18.08.2010 and quash the same as illegal, arbitrary and against the circular dated 01.11.2008 and 16.03.2009.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dilipkumar

O R D E R

The relief sought for in this writ petition is with regard to adjustment of the amounts collected from the petitioner towards excess charges for electricity consumption during evening peak hour in future consumption bills.

2. When the matter was 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 this writ petition. Hence, recording the same, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

gsk

To

1. The Secretary,
The Tamil Nadu Electricity Regulatory
Commission,
No.19-A, Rukmini Lakshmipathy Salai
(Marshall Road),
Egmore, Chennai-600 008,
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
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Tamil Nadu Electricity Board,
Thirumangalam, Anna Nagar,
Chennai-600 040.

+1cc to Mr.K.Seshadri, Advocate SR.No.54381

W.P.No.19823 of 2010

GMV(18/09/2018)