

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos. 29024 & 29028 of 2018
and
W.M.P.Nos.33931 to 33933 and
33938 to 33940 of 2018

M/s.Prince Yarnn India Limited,
HTSC No.333,
S.F.No.12, 2B, 2C, Athikattur,
Anangur Post, Veppadai,
Tiruchengode - 637 404,
Namakkal District,
Rep.by its Managing Director,
S.Thangaraaj.

.... Petitioner
(in W.P.No.29024 of 2018)

Suriyagiri Spinning Mills P Ltd,
HTSC No.329,
S.F.No.368, Veppadai Road,
Kallankattuvalasu Post,
Komarapalayam - 638 183,
Namakkal District,
Rep.by its Managing Director,
K.Dhanaraj

.... Petitioner
(in W.P.No.29028 of 2018)

सत्यमेव जयते
Vs

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),144, Anna Salai,
Chennai - 600 002.

2.The Chief Financial Controller / Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO,
Mettur.

4.Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

... Respondents
(in both W.Ps)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/ REV/D.N.115/13, dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioners: Mr.R.S.Pandiyaraj
(in both W.Ps)

For Respondents: Mr.S.K.Rameshwar
Standing Counsel
(in both W.Ps)

COMMON ORDER

The petitioners have come up with these writ petitions challenging the impugned letter dated 29.07.2013 issued by the second respondent in CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13.

2.Today when the matters are taken up for hearing, the learned counsel for the petitioners as well as the learned Standing Counsel appearing for the respondents jointly submitted that the issue involved herein is covered by the order wherein this Court by order dated 14.09.2018 in W.P. Nos.5916 of 2014 etc. batch considered the issue in detail and ultimately allowed the writ petitions in favour of the petitioners. The Operative portion of the order reads as follows:

'18. In view of the discussions made in the afore mentioned paragraphs, this Court is of the opinion that the Regulatory Commission has to under take the process of revision either suo-motu or through an application if any filed before the commission and conduct the adjudicative process by issuing notice to all the stakeholders and after hearing the parties aggrieved, decision shall be taken on merits and in accordance

with law. The compliance of principles of natural justice has been contemplated in the business regulations, as stated supra. Thus Electricity Regulatory Commission is bound by that and they have to follow the procedures and thereafter take a decision and pass orders on merits and in accordance with law in respect of the withdrawal of the concession of the Deemed Demand Charges in respect of the writ petitioners. However, it is made clear that the observations made in this judgment will not affect the independent adjudication if any undertaken by the Electricity Regulatory Commission in accordance with the procedures contemplated. The Electricity Regulatory Commission is at liberty to decide the merits and demerits independently and pass orders without causing undue delay in view of the fact that the concession has been already cancelled in respect of other categories. Accordingly the impugned order passed by the second respondent in letter No.CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 is quashed and these writ petitions are allowed. No costs. Consequently connected miscellaneous petitions are also closed.'

3.Following the said decision, the impugned orders stand quashed and these writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),144, Anna Salai,
Chennai - 600 002.

2.The Chief Financial Controller / Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

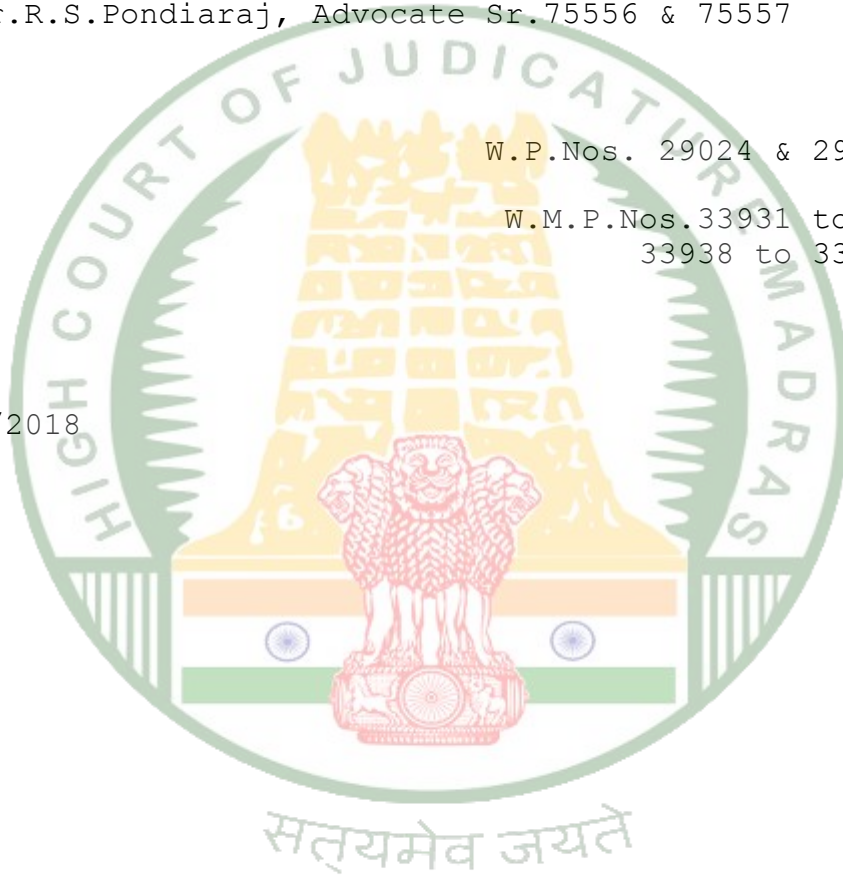
3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO,
Mettur.

4.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

+2cc to Mr.R.S.Pondiaraj, Advocate Sr.75556 & 75557

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srg 26/11/2018



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