

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28707 of 2018 and
W.M.P.Nos.33528, 33529 & 33532 of 2018

Sri Venkatesa Fabrics Ltd., HT SC No.154,
Palani Road, Venkatesa Mills Post,
Udumalpet,

Rep by its Authorised Signatory R.S.Sampath Nehru

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller/Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.
4. The Tamil Nadu Electricity Regulatory Commission,
Rep. By its Secretary,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling 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 the consequential impugned demand notice Lr.No.SE/DGL/DFC/AO / REV/F/AUDIT/D.NO.15-2/2018 dated 27.08.2018 issued by the third respondent, quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.P.R.Dilip Kumar,
Standing Counsel for TNEB

O R D E R

The petitioner has come up with this writ petition 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 and the consequential impugned demand notice Lr.No.SE/DGL/DFC/AO/REV/F/AUDIT/D.NO.15-2/2018 dated 27.08.2018 issued by the third respondent.

2.Today when the matter is taken up for hearing, the learned counsel for the petitioner 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 order stands quashed and this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO), 144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller/Revenue,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO, Dindigul Electricity Distribution Circle,
Dindigul.
4. The Tamil Nadu Electricity Regulatory Commission,
Rep. By its Secretary,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.75560

+1cc to Mr.P.R.Dilip Kumar, Advocate, S.R.No.75690

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CS/19/11/2018