

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18729 of 2009

&

M.P.No.2 of 2009

Sri Krishna Smelters Ltd.,
Regd. Off: S/F/Mp/110/1-E,
Iveli Village, Akkamapet (PO),
Sankari Durg, Salem Dt.,
Represented by its Manager
M.Kandasami

...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 Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer
Mettur Electricity Distribution Circle,
Mettur, Salem.

... Respondents

Prayer:

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records of the 3rd respondent in Bill No.132 (H.T. SC No.132) dated 29.08.2008 and quash the same.

For Petitioner : M/s.C.S.Krishnamoorthy

For Respondents : Mr.S.K.Rameshwar

ORDER

The petitioner has filed this writ petition, seeking the following relief:-

"To issue a writ of Certiorari to call for the records of the 3rd respondent in Bill No.132 (H.T. SC No.132) dated 29.08.2008 and quash the same."

2.The learned counsel for the petitioner would submit that the petitioner-Industry is a continuous process Industry involved in the manufacture of steel, having high tension electricity supply in H.T. SC No.132. He would further submit that the second and third respondents have sanctioned the said H.T. Supply with a maximum demand of 3500 KVA to the above Industry. The first respondent is the authority to fix energy charges for all types of consumers as per the Electricity Act, 2003. While that being so, the second respondent- Board, based on the directions of the Government, demanded peak hour charges and imposed 40% demand and energy cut on the base demand and base consumption from 01.11.2008 onwards. As against the demand of energy charges during evening peak hours, the second respondent Board filed a petition in M.P.No.42 of 2008 before the first respondent/TNERC and prayed to restrict the demand of HT Industrial and HT Commercial to 5% and 10% respectively during the evening peak hours from 6.00 p.m. to 10.00 p.m. and further, they also prayed that consumers violating the restrictions and the demand and energy quota during evening peak hours are liable to face the restricted demand of 5% or 10% as the case may be, for the following 48 hours and the said proposal was accepted by the first respondent. If they exceed the permit limit, they are liable to pay for the peak hour charges. As against the demand of peak hour charges, the petitioner filed an appeal before the Appellate Authority and the Appellate Authority (Tribunal) allowed the appeal in favour of the consumers. As against the order passed in the said appeal, the TANGEDCO filed an appeal before the Hon'ble Apex Court.

3.The Hon'ble Apex Court entertained the Special Leave Appeal (Civil) Nos.24685 to 24719 of 2012 and by judgment dated 31.08.2012, the Apex Court granted interim stay directing the appellant therein to deposit the Bank Guarantee before the Registrar. In view of the interim order granted by the Hon'ble Supreme Court, this writ petition is disposed of, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present writ petitioner.

4.Therefore, the parties herein have agreed that the present Writ Petition be disposed of on the aforesaid terms of the Hon'ble Supreme Court, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present writ petitioner and in order to enure to the benefit

of the petitioner during the pendency of the Special Leave Petition.

5. Therefore, this Writ Petition stands disposed of, on the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kal

To

1. The Secretary,
Tamil Nadu Electricity Regulatory
Commission
19-A, Rukmini Lakshmipathy Salai, (Marshall's Road),
Egmore, Chennai-600 008.
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer
Mettur Electricity Distribution Circle,
Mettur, Salem.

W.P.No.18729 of 2009
&
M.P.No.2 of 2009

VGII(CO)
CS/16/09/2019

सत्यमेव जयते

WEB COPY