

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.01.2019

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29608 of 2004
&
W.P.M.P.No.35971 of 2004

Sengunthar Mills (P) Ltd.,
Rep by its Managing Director,
Pallipalayam Road, Varapalayam,
Thokkavadi - 637 209.
Thiruchengode Taluk,
Namakkal District. ...Petitioner

...Vs...

1.The Chariman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 2.

2.The Tamil Nadu Electricity Regulatory
Commission, 17, III Main Road,
Seethammal Colony, Alwarpet,
Chennai - 600 018.Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the levy, demand and collection of peak hour charges by the respondents at the rate of Rs.0.70 paise extra (20% extra) from the petitioner on the total consumption of electricity in the factory/industry/mill of the petitioner without adjusting to set off the electricity generated or produced through the petitioner wind mill against consumption during the peak hour is unconstitutional, illegal and null and void in so far as the petitioner industry is concerned and direct the respondents to refund to the petitioner the total amount collected illegally as peak hour charges from the petitioner for its own generated electricity through its wind mill during peak hours till date.

For Petitioner : Mr.M.Kamalanathan

For Respondents : Mr.S.K.Raameshwar(for R.1)
Mr.R.S.Jeevarathiman(for R.2)

O R D E R

The issue raised in the present writ petition is in relation to the levy of peak hour charges. This apart, the peak hour charges with reference to the particular year had already been collected. This apart, the demand of peak hour charges and levy had already been settled by the Hon'ble Supreme Court in the case of Magna Electro Castings Limited vs. The State of Tamil Nadu [reported in 2005 6 MLJ (574)].

2.The Hon'ble Supreme Court held that the policy decision taken by the administration in relation to the levy of peak hour charges are permissible. This being the principles settled by the Hon'ble Apex Court of India, the cause aroused for the purpose of filing the present writ petition deserves no further adjudication on merits. Accordingly, the writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrm/cse

To

1.The Chariman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 2.

2.The Tamil Nadu Electricity Regulatory
Commission, 17, III Main Road,
Seethammal Colony, Alwarpet,
Chennai - 600 018.

Copy To

The Section Officer,
V.R.Section,High Court,
Madras-104.

+1cc to M/s.Madhuri Donti Reddy, Advocate, S.R.No.1672.

W.P.No.29608 of 2004

GJII(CO)

rrs 07/02/2019