

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.4672 of 2012 and
M.P.No.1 of 2012

M/s.Lakshmi Saraswathi Cotton Mills (P)
Ltd., rep. by its Managing Director,
Kutchipalayam, Thokkavadi,
Tiruchengodu,
Namakkal District-637 215. ... Petitioner

Vs

1. The State of Tamil Nadu
rep. by the Secretary,
Department of Energy,
Fort St. George, Chennai-600 009.
2. The Tamil Nadu Regulatory Commission
rep. by its Secretary,
18-A, Rukmini Arundel Road,
Egmore, Chennai-600 008.
3. Tamil Nadu Generation and Distribution
Corporation Limited
rep. by the Chairman, 114 (Old 800), Anna Salai,
Chennai-600 002.
4. The Director/Operation,
Tamil Nadu Transmission Corporation Limited,
114 (Old No.800), Anna Salai, Chennai-600 002.
5. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited
Mettur Electricity Distribution Circle,
Mettur Dam-636 401. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in January, 2012 Bill dated 01.02.2012 regarding HT SC 74 and quash the same insofar as it related to excess charges exceeding the limits in Sl.No.13 (f) Rs.92,427/- as illegal, arbitrary, without authority of law and consequently, forbear the 5th

respondent from taking energy adjusted instead of energy available to the credit of the petitioners for the purpose of equivalent demand quota calculation during subsequent period till the load shedding is in force.

For Petitioner : Mr.S.Rajesh

For Respondents: Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1

Mr.S.K.Raameshuwar,
Standing Counsel for R3 to R5

O R D E R

M/s.Lakshmi Saraswathi Cotton Mills (P) Limited represented by its Managing Director having been aggrieved by the impugned bill dated 01.02.2012 issued by the 5th respondent herein calling upon the petitioner to effect payment of Rs.1,75,053/- in respect of High Tension Service Connection No.74 has filed this Writ Petition questioning the correctness of the said impugned bill and to quash the same as it relates to excess charges exceeding the limits in Sl.No.13 (f) Rs.92,427/- and for consequential direction, forbearing the 5th respondent from taking energy adjusted instead of energy available to the credit of the petitioners for the purpose of equivalent demand quota calculation during subsequent period till the load shedding is in force.

2. Learned Counsel appearing for the petitioner submitted that while raising the impugned bill, the third party purchase of 234.604 equal demand, although having been mentioned in the impugned bill has not been taken into account for the purpose of calculating the maximum demand in the evening peak hours from 06.00 a.m. to 10.00 p.m. Therefore, the present Writ Petition has to be allowed.

3. Mr.S.K.Raamesuwar, learned Standing Counsel appearing for the respondents 3 to 5 stated that the said issue has already been decided in favour of the respondents. However, some aggrieved persons have preferred an appeal before the APTEL, New Delhi and the same is still pending.

4. Be that as it may, even the appeal is pending as pleaded by the learned Standing Counsel for the respondents 3 to 5, this Court does not want to keep the writ petition pending as the above said exercise has to

be done by the 5th respondent because a prima facie reading of the impugned bill indicates that the 5th respondent be given a chance to reconsider the case of the petitioner whether 234.604 considered as third party power purchase has been included or whether the petitioner has exceeded its limit. Therefore, the matter is remanded to the 5th respondent to reconsider the case of the petitioner and to raise a fresh bill within a period of four weeks from the date of receipt of a copy of this Order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Department of Energy,
Fort St. George, Chennai-600 009.
2. The Secretary,
Tamil Nadu Regulatory Commission,
18-A, Rukmini Arundel Road,
Egmore, Chennai-600 008.
3. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
114 (Old 800), Anna Salai, Chennai-600 002.
4. The Director/Operation,
Tamil Nadu Transmission Corporation Limited,
114 (Old No.800), Anna Salai, Chennai-600 002.
5. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited
Mettur Electricity Distribution Circle,
Mettur Dam-636 401.

+1 cc to Government Pleader Sr.No. 81604

+1cc to Mr.S.Sivanandam , Advocate SR.No. 81044

W.P.No.4672/2012

ss A.SK(05/11/2019)