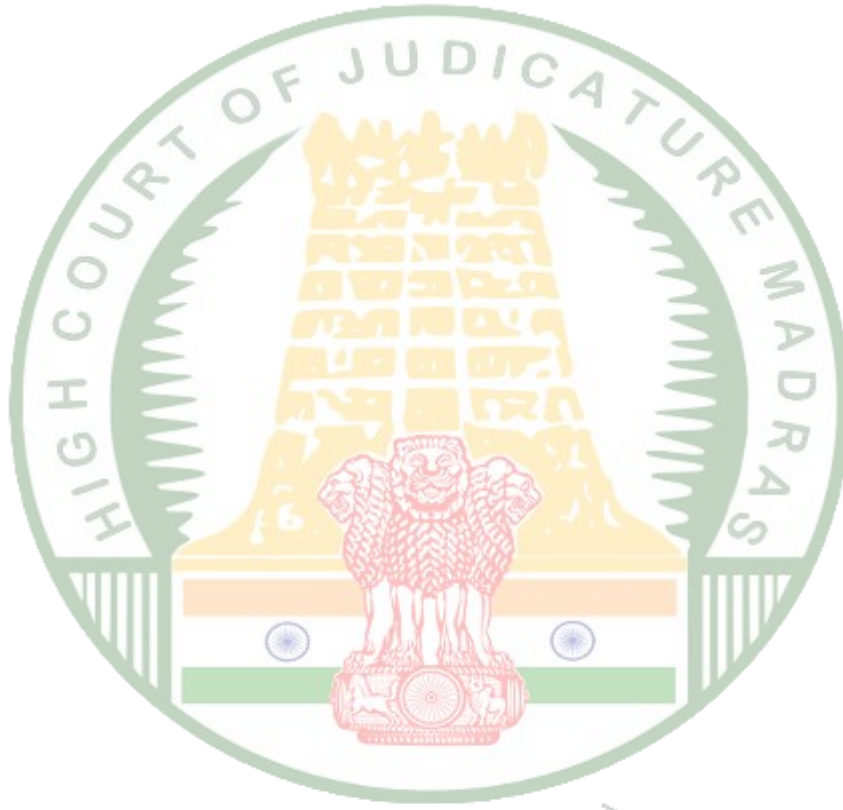




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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.4945 of 2012

Thiruvalluvar Textile (P) Ltd.,
rep. by its Manager K.Ramasamy

.. Petitioner

-vs-

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Repd. by its Director,
144, Anna Salai,
Chennai - 600 002.

2.Tamil Nadu Electricity Regulatory
Commission (TNERC) repd. by its
Secretary, 19-A, Rukmani Lakshmipathy
Salai, Marshalls Road,
Egmore, Chennai-600 008.

3.The Superintending Engineer,
Namakkal Elec Distribution Circle,
Tamil Nadu Electricity Board,
Namakkal.

.. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorarified Mandamus calling for the records of the first
respondent, vide his Circular in Lr.No.Dir/F/FC/R/D.No. /10
dated 26.11.2010 and the Bill No.324 dates 29.11.2010 and
29.12.2010 in so far as it relates to levy of cross subsidy
surcharge, quash the same as arbitrary and illegal and
consequently direct the third respondent to adjust the amount
paid by the petitioner in HT SC No.324 towards Cross subsidy
surcharge in the future current consumption bills.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.K.Raameshuwar,
Standing Counsel
for R1 and R3

No appearance for R2



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ORDER

When the matter is taken up for hearing, on instructions given by Mr.R.Jayakumar, Accounts Supervisor, Tamil Nadu Electricity Board, learned Standing Counsel appearing for respondents 1 and 3 would submit that this issue relating to Cross Subsidy Surcharge has already been covered by the order dated 11.02.2011 passed by this Court in W.P. Nos.29556 of 2010 etc. batch.

2.Learned counsel appearing for the petitioner would agree to the said factum.

3.It is relevant to extract para 5 of the above writ petition as under:

'5.In view of the above Amended Circular dated 08.02.2011 issued by the Tamil Nadu Transmission Corporation Limited, the demand of Cross Subsidy Surcharge in respect of each one of the HT consumer is set aside. The respondents authorities are directed to adjust the amount, if any, paid by the HT consumers/writ petitioners towards Cross Subsidy Surcharge, in the future current consumption bills.'

4.As the issue raised in the writ petition has been covered by the Circular dated 08.02.2011 issued by the Tamil Nadu Transmission Corporation Limited and subsequently this has also been considered in a batch of writ petitions in W.P. Nos.29556 of 2010 etc. dated 11.02.2011 passed by this Court, the demand of Cross Subsidy Surcharge in respect of the petitioner is set aside. The respondents authorities are directed to adjust the amount, if any, paid by the petitioner towards Cross Subsidy Surcharge in the future current consumption bills within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands ordered as above. No costs.

vga

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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



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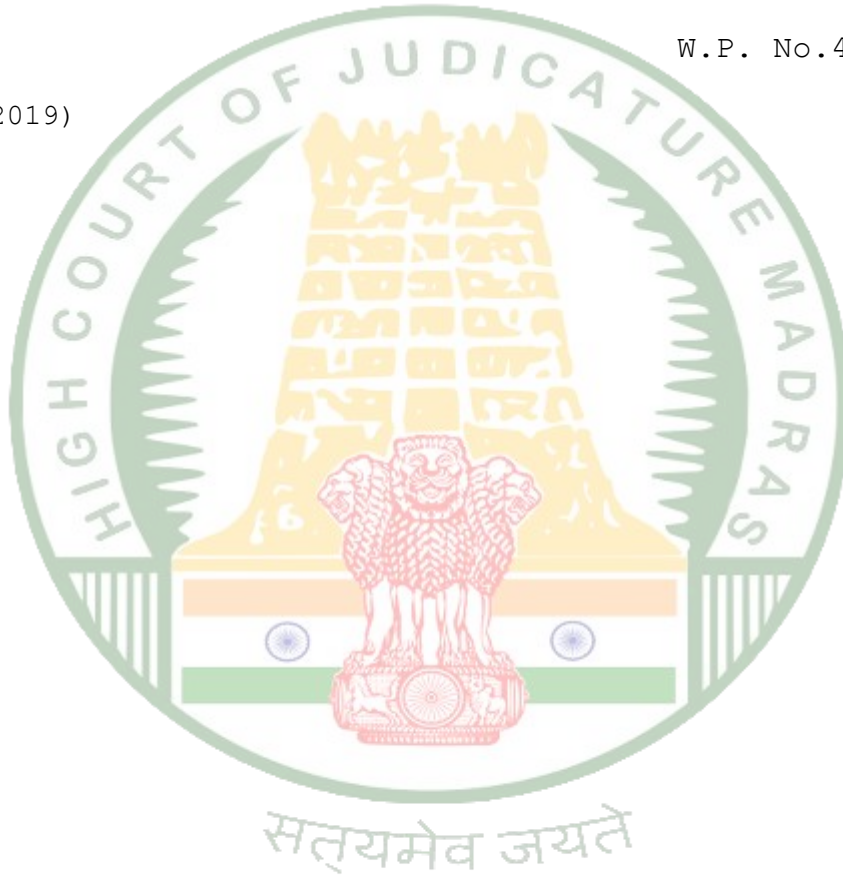
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2.The Secretary,
Tamil Nadu Electricity Regulatory
Commission (TNERC)
19-A, Rukmani Lakshmipathy
Salai, Marshalls Road,
Egmore, Chennai-600 008.

3.The Superintending Engineer,
Namakkal Elec Distribution Circle,
Tamil Nadu Electricity Board,
Namakkal.

W.P. No.4945 of 2012

Kak(07/11/2019)



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