

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.5222 of 2012
and M.P. Nos.2 & 3 of 2012

Mallur Siddeswara Spinning Mills (P) Ltd.,
rep. by its Manager K.Mohan .. Petitioner

-vs-

1.Tamil Nadu Electricity Regulatory
Commission repd. by it Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai-600 008.

2.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai,
Chennai 600 002.

3.The Chief Engineer, NCES,
144, Anna Salai,
Chennai 600 002.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
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 third respondent in his Bill No.89 dated 29.02.2012 in so far as it relates to levy of penalty in the form of excess demand charges with respect to Rs.2,84,250/- alone, in Serial No.13(f) as illegal, arbitrary, without the authority of law and consequently forbear the third respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force.

For Petitioner : Mr.R.S.Pandiyaraj
For respondents : Mr.S.K.Raameshuwar,
Standing Counsel for TNEB

ORDER

The writ petition has been filed challenging the correctness of the impugned Bill No.89 dated 29.02.2012 issued by the Chief Engineer, the third respondent herein.

2.Learned counsel appearing for the petitioner would submit that when the similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission and others in I.A. No.736 of 2019 in D.F.R. No.1584 of 2019, the Appellate Tribunal for Electricity by order dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3.In view of the fact that an interim order dated 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar issue as that of the petitioner, the writ petition is disposed of. No coercive steps will be taken against the petitioner till the orders are passed by the respondents. Consequently, connected M.Ps. are closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To

1.Tamil Nadu Electricity Regulatory Commission repd. by its Secretary,
19-A, Rukmini Lakshminpathy Salai,
(Marshall's Road), Egmore, Chennai-600 008.

2.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai, Chennai 600 002.

3.The Chief Engineer, NCES,
144, Anna Salai, Chennai 600 002.

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

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A.SK(17/10/2019)