

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7936 of 2012
and MP No.2 of 2012

Sree Ayyanar Spinning and Weaving Mills Limited
Mill Premises, Mallanginar, Pin Code 626 109
Near Virudhunagar - Represented by
its Manager Finance N. Selvaraj ... Petitioner

-vs-

1. Tamil Nadu Electricity Regulatory Commission (TNERC),
Represented by its Secretary,
19-A, Rukmini Lakshmi pathy Salai (Marshall's Road),
Egmore, Chennai - 600 008.
2. Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.
3. Superintending Engineer,
TANGEDCO
Virudhunagar Electricity Distribution Circle,
Virudhunagar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent culminating in the Bill dated 03.03.2012 issued for the petitioner's HT SC No.28 in so far as it relates to levy of penalty in the form of excess demand charges in Serial No.13(f) of the said Bill, quash the same as illegal, arbitrary, without jurisdiction and authority of law, refund all amounts so collected from the petitioner and consequently forbear the 2nd and 3rd respondents from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till power cut and load shedding are in force.

For Petitioner : Mr.Rahul Balaji

For R.1 : No appearance

For R.2 and R.3 : Mr.S.K. Rameshwar
Standing Counsel

O R D E R

This Writ Petition is filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent culminating in the Bill dated 03.03.2012 issued for the petitioner's HT SC No.28 in so far as it relates to levy of penalty in the form of excess demand charges in Serial No.13(f) of the said Bill, quash the same as illegal, arbitrary, without jurisdiction and authority of law, refund all amounts so collected from the petitioner and consequently forbear the 2nd and 3rd respondents from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till power cut and load shedding are in force.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the matter is pending before the Appellate Tribunal for Electricity.

3. Recording the submissions made by the learned counsel for the petitioner, as the matter is seized of by the Appellate Tribunal for Electricity, this Court directs that the parties shall abide by the result of the Appellate Tribunal for Electricity. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सतराजोव खाने
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sr

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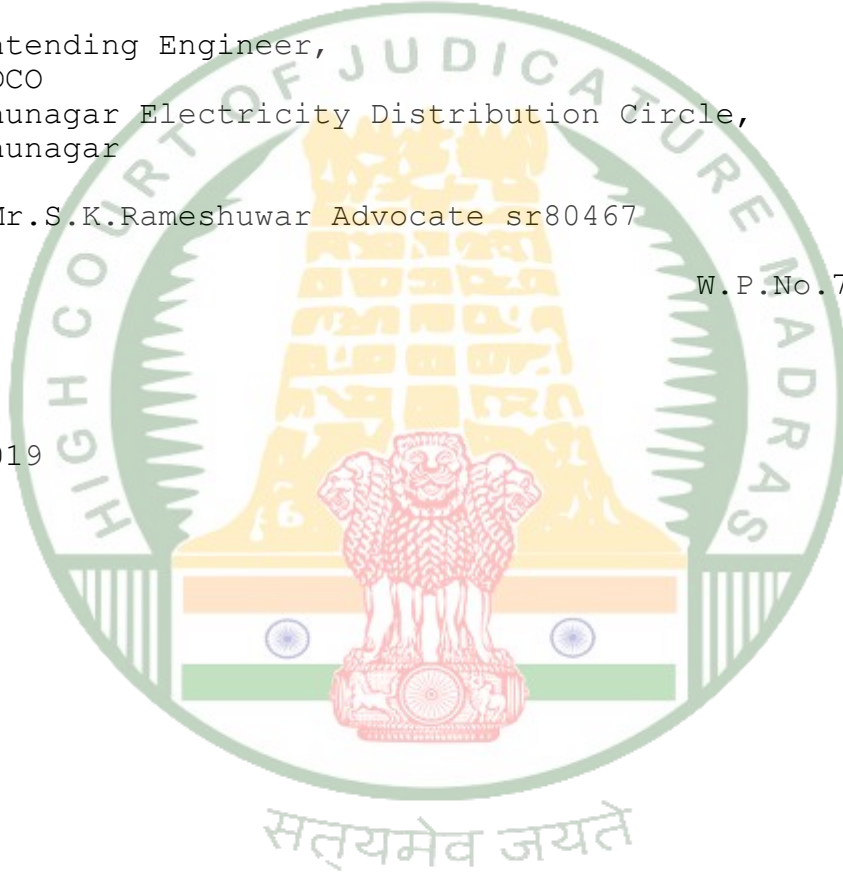
To

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TANGEDCO
Virudhunagar Electricity Distribution Circle,
Virudhunagar

+1 cc to Mr.S.K.Rameshuwar Advocate sr80467

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skv(co)
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