

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12218 of 2019

S.P.Spinning Mills Private Limited, HT SC No.74
New No.3/233, (Old No.1/147/104)
Cuddalore Main Road, Karipatti
Salem 636 106 represented by
Mr.N.Rajasekaran, Senior Engineer

..Petitioner

-vs-

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
rep.by its Chairman & Managing Director
No.144, Anna Salai
Chennai 600 002
2. The Chief Financial Controller-Revenue
TANGEDCO
No.144, Anna Salai
Chennai 600 002
3. The Superintending Engineer
TANGEDCO
Salem Electricity Distribution Circle
Salem
4. The Superintending Engineer
TANGEDCO
Tirunelveli Electricity Distribution Circle
Tirunelveli
5. Tamil Nadu Electricity Regulatory Commission
rep.by its Secretary
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road)
Egmore
Chennai 600 008

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third and fourth respondents to give waiver and re-credit of the unwarranted 14% banking charges to a tune of 76,621 units in the petitioner CC bill for March 2019 as per the petitioner's representation dated 06.03.2019.

For Petitioner :: Mr.R.S.Pandiyaraj

For Respondents :: Mr.S.K.Raameshuwar
Standing Counsel for R1 to 4

ORDER

S.P.Spinning Mills Private Limited, Karipatti, Salem, having High Tension Service Connection No.74, has come to this Court seeking issuance of a writ of mandamus under Article 226 of the Constitution of India directing the third and fourth respondents to give waiver and re-credit of the unwarranted 14% banking charges to the tune of 76,621 units in the petitioner CC bill for March 2019, as per the petitioner's representation dated 6.3.2019.

2. It is stated that the petitioner is engaged in the manufacturing of yarn bearing by utilising the high tension service connection No.74 provided by the third respondent. It is claimed that the petitioner has been granted a sanctioned demand of 2400 KVA and they have also established wind mills and the electricity generated by the petitioner wind mill is being wheeled for the purpose of captive consumption at the petitioner industry at their H.T.S.C.No.74 coming under the third respondent. One of the grievances of the petitioner, as averred in the affidavit, shows that the generated units were taken for 50-55 days while the consumption was considered for a period of 30 days. This has made the excess units from the current generation to go for banking by recovering 14% banking charges in units, which resulted into a great loss to the petitioner. Therefore, a representation has been given on 6.3.2019 requesting the Chief Financial Controller-Revenue, TANGEDCO, the second respondent herein to give waiver of the 14% banking charges collected in the CC bill for January 2019 and the same has not been taken up for consideration. Therefore, they have come to this Court.

3. Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents 1 to 4.

4. This Court, considering the limited prayer, without going to the merits of the matter, hereby directs the Chief Financial Controller-Revenue, TANGEDCO, the second respondent

herein to consider the petitioner's pending representation dated 6.3.2019 on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.12511 of 2019 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Chairman & Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
No.144, Anna Salai
Chennai 600 002
2. The Chief Financial Controller-Revenue
TANGEDCO
No.144, Anna Salai
Chennai 600 002
3. The Superintending Engineer
TANGEDCO
Salem Electricity Distribution Circle
Salem
4. The Superintending Engineer
TANGEDCO
Tirunelveli Electricity Distribution Circle
Tirunelveli
5. The Secretary
Tamil Nadu Electricity Regulatory Commission
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road)
Egmore
Chennai 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.39768

W.P.No.12218 of 2019

PP(CO)

RRS (27/04/2019)