

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13123 of 2019 and
W.M.P. Nos.13269, 13270 and 13274 of 2019

M/s.Kayaar Exports P Ltd
HTSC No.170, Railway Feeder Road,
K.R.Nagar-628 503, Kovilpatti,
represented by its Director
K.R.Arunachalam ... Petitioner

-Vs--

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

2.Chief Financial Controller/Revenue
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
TANGEDCO,
Thoothukkudi Electricity Distribution Circle,
Thoothukkudi-3.

4.Tamil Nadu Electricity Regulatory Commission
through its Secretary,
No.19A Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N. 115 /13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.R.S.Pandiyaraj

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

ORDER

The petitioner has come to this Court challenging the impugned letter bearing No.CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 issued by the Chief Financial Controller/Revenue TANGEDCO, Chennai, the second respondent herein.

2.Learned Standing Counsel appearing for respondents 1 to 3 would submit that the Writ Appeals in W.A. Nos.2539 and 2540 of 2018 filed by the TANGEDCO are pending for consideration before the Division Bench of this Court.

3.Learned counsel appearing for the petitioner would submit that the issue raised in the present writ petition has already been agitated by both sides and on considering the rival claims, in a batch of writ petitions in W.P. Nos.33864 of 2018 etc. batch, a common order dated 13.03.2019 has been passed directing the petitioners therein to pay 50% amount demanded by the TANGEDCO within a period of two weeks, subject to the result of the above Writ Appeals in W.A. Nos.2539 and 2540 of 2018 pending before the Division Bench of this Court. Therefore, the learned counsel appearing for the petitioner prays for passing a similar order.

4.Taking note of the fact that this Court has already passed an order dated 13.03.2019 in W.P. Nos.33864 of 2018 etc. batch, the writ petition stands allowed directing the petitioners to pay 50% amount demanded by the TANGEDCO within a period of two weeks from the date of receipt of a copy of this order, subject to the result of the Writ Appeals in W.A. Nos.2539 and 2540 of 2018. Consequently, connected W.M.Ps are closed. No costs.

vga

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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(TANGEDCO),
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Chennai - 600 002.

2.Chief Financial Controller/Revenue
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144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
TANGEDCO,
Thoothukkudi Electricity Distribution Circle,
Thoothukkudi-3.

4. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

+lcc to Mr.R.S.Pandiyaraj, Advocate, Sr.No.42364
+lcc to Mr.S.M.Rameshuwar, Advocate, SR.No.42153

W.P. No.13123 of 2019 and W.M.P.
Nos.13269, 13270 and 13274 of 2019

Kak(21/06/2019)

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