

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13347 of 2019

M/s AVRN Hotels Pvt.Ltd.,
represented by its Managing Director
Mr.A.Vijayaraghavan
No.12, Jawaharlal Nehru Salai
Arumbakkam, Chennai 600 106 .. Petitioner

-vs-

1. Tamil Nadu Generation and Distribution Corporation Limited
Anna Salai
Chennai
2. Chennai Electricity Distribution Circle (West)
represented by its Superintending Engineer
Anna Nagar
Chennai 600 040
3. The Coimbatore Electricity Distribution Circle (South)
represented by its Additional Chief Engineer
Coimbatore 641 102 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent herein culminating in Lr.No.SE/CEDC/WEST/DFC/AAO/HT/AS 1/D.469/2019 dated 13.03.2019 and the subsequent rejoinder in Lr.No.SE/CEDC/W/CEDC/DFC/AS/F/HT 1711/D.No.643/2019 dated 11.04.2019 on the file of the second respondent herein quash the same and direct the second respondent herein to adjust the claim amount of Rs.30,02,981/- for HTSC No.1711 with the amount payable by the third respondent herein on account of the energy generated by the windmill owned by the petitioner herein.

For Petitioner:: Mr.M.Santhanaraman
For Respondents:: Mr.P.R.Dhilipkumar
Standing Counsel

ORDER

This writ petition is directed against the impugned orders dated 13.3.2019 and 11.4.2019, in and by which the petitioner was requested to pay the shortfall amount of Rs.30,02,981/- due to revision of Multiplying Factor from 400 to 600 for the period 28.07.2016 to 26.12.2018.

2. Learned counsel for the petitioner submitted that the petitioner is having their own windmill and as per the agreement between the petitioner and the Electricity Board, the energy generated in the windmill of the petitioner will be adjusted towards the power consumed by the petitioner, as per the agreement dated 24.3.2008. Since a sum of Rs.30,40,382/- is due and payable by the respondents to the petitioner, without adjusting the said amount, the respondents cannot ask the petitioner to pay a sum of Rs.30,02,981/-.

3. The learned standing counsel for the respondents, replying to the above contention, stated that as per the calculation made by the respondents, only a sum of Rs.7,47,108/- is to be paid to the petitioner and the respondents are prepared to adjust the said amount.

4. Disputing the same, the learned counsel for the petitioner submitted that till date, the respondents have not even replied to the letter dated 29.3.2019 sent by the petitioner requesting the respondents to adjust a sum of Rs.30,40,382/-. Therefore, the respondents can issue the calculation sheet and the admitted amount payable by the respondents to the petitioner shall be adjusted and the remaining amount will be paid by the petitioner.

5. This Court, without going to the merits of the matter, placing on record the statements made by both sides, hereby directs the respondents to issue the calculation sheet to the petitioner showing what is the amount lying with them and what is the amount payable by the petitioner and within a period of two weeks from the date of receipt of such calculation sheet, the petitioner shall make the payment accordingly. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.13457 of 2019 is closed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Tamil Nadu Generation and Distribution
Corporation Limited
Anna Salai
Chennai

2. The Superintending Engineer
Chennai Electricity Distribution Circle (West)
Anna Nagar
Chennai 600 040

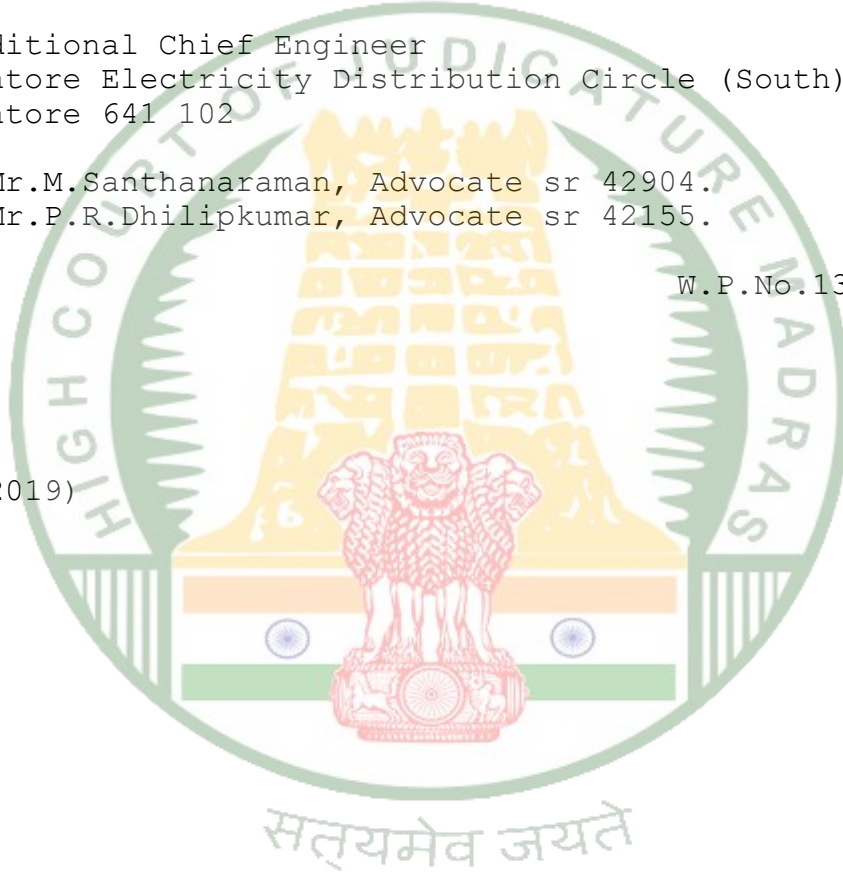
3. The Additional Chief Engineer
Coimbatore Electricity Distribution Circle (South)
Coimbatore 641 102

+1 CC to Mr.M.Santhanaraman, Advocate sr 42904.

+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 42155.

W.P.No.13347 of 2019

GJII(CO)
SP(31/05/2019)



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