



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.16334, 16339, 16340 & 16342 of 2019
and W.M.P.Nos.16007, 16011, 16013, 16017 to 16019, 16021, 16022,
16024 and 16026 to 16028 of 2019

W.P.No.16334/2019

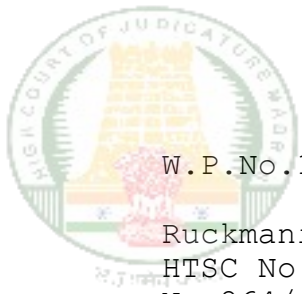
Shri Santhosh Meenakshi Textiles P.Ltd.,
HTSC No.337,
12/5, Thekkalur (NH.47),
Avinashi Taluk, Tirupur,
rep by its Authorised Signatory
G.Gnanasivakumar

... Petitioner in WP.No.16334 of 2019

Versus

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,
Coimbatore Electricity Distribution Circle/South,
Coimbatore-641 012.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents



W.P.No.16339/2019

Ruckmani Ammal Cotspin (Pvt) Ltd.,
HTSC No.272,
No.264/4A, Chinnaveerampatty,
Paukkulam Post, Udumalpet-642 126
rep by its Authorised Signatory
K.Nagarajan

... Petitioner in WP.No.16339 of 2019

Versus

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,
Udumalpet Electricity Distribution Circle/South,
Udumalpet.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

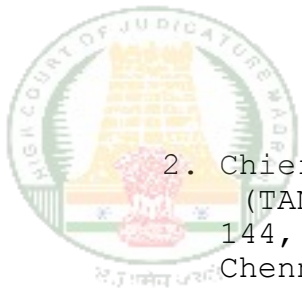
W.P.No.16340/2019

Shri Visaka Textiles P.Ltd.,
HTSC No.299, Plat No.8, Sundaram Apartments
No.83, Race Course, Coimbatore
rep by its Authorised Signatory
K.Nagarajan

... Petitioner in WP.No.16340 of 2019

Versus

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.

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3. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle/South,
Coimbatore-641 012.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

W.P.No.16342/2019

Naga Limited Foods,
HTSC No.073, Plat NO.8, Soundaram Apartments,
No.3/315, Melakandamangalam Village,
Thiruchuli, Aruppukottai,
rep by its Authorised Signatory
M.Rajkumar

... Petitioner in W.P.No.16342/2019

Versus

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,
Virudhynagar Electricity Distribution Circle/South,
Virudhunagar.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents



COMMON PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the 2nd respondent contained in impugned letter No.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 in all WPs : Mr.R.S.Pandiyaraj

For Respondents in all Wps : Mr.S.K.Rameshwar

COMMON ORDER

Heard the Learned Counsel for the Petitioners and the Learned Counsel for the Respondents.

2. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioners by the respondents and consequent demand of charge, the present writ petitions are filed.

3. When batch of writ petitions are filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the learned single Judge of this Court upheld and quashed the impugned order.

4. Aggrieved by that the respondent/TANGEDCO preferred an appeal and the same is pending before the Division Bench of this Court. The Division Bench, while admitting the appeal preferred by the respondents herein have directed to the third parties to pay 50% of demand made pursuant to the impugned notice.

5. It is submitted by the learned counsel for the petitioners as well as the respondents that the said Writ Appeal is pending.

6. In the light of the interim order passed by this Court on line with the interim order passed by the Division Bench, the petitioners have paid 50% of the deemed demand charges on 12.06.2019.

7. Recording the same, these Writ Petitions are disposed of. With direction that the petitioners are liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondents herein is allowed and they shall abide by any order



passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioners shall continue to pay 50% of deemed demand charges. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

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, Coimbatore Electricity Distribution Circle/South,
Coimbatore-641 012.
4. The Superintending Engineer,
TANGEDCO, Udumalpet Electricity Distribution Circle/South,
Udumalpet.
5. The Superintending Engineer,
TANGEDCO, Virudhunagar Electricity Distribution Circle/South,
Virudhunagar.
6. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

+4ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.55153

W.P.Nos.16334, 16339, 16340 && 16342 of 2019
and
W.M.P.Nos.16007, 16011, 16013, 16017 to
16019, 16021, 16022, 16024 and
16026 to 16028 of 2019

CA(CO)
CS/28/08/2019