

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.25965 of 2019

and

W.M.P.Nos.25404 to 25406 of 2019

Bhuvaneswari Textiles (P) Ltd.,
HTSC No.020,
Thadicombu, Dindigul Taluk,
Pin-624 709, Dindigul District,
Repd.by its General Manager M.Raja ... 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,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
TANGEDCO, Dindigul.

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

Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.P.R.Dhilip Kumar, st.c

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard learned counsel appearing for the petitioner and learned standing counsel appearing for respondents.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondents and consequent demand of charge, the present writ petition is filed.

4. When batch writ petitions is 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.

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

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

7. In the light of the above facts, this writ petition is disposed of with directions that (a) the petitioner shall pay 50% of the deemed demand charges; (b) the petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondents herein is allowed and the parties shall abide by any order passed by the Hon'ble Division Bench; and (c) till the disposal of the Writ Appeal, the petitioner shall continue to pay 50% of deemed demand charges. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1.The Chairman,
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TANGEDCO, Dindigul.

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

+1 cc to M/s.P.R.Dhilip Kumar, Advocate Sr.No. 75955
+1 cc to M/s.R.S.Pandiyaraj, Advocate Sr.No.75829

AKM/27.09.19/3P-7C /
AKM/06.11.19

W.P.No.25965 of 2019
and W.M.P.Nos.25404 to 25406 of 2019

सत्यमेव जयते

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