

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 3706 of 2012
and M.P.No.1 of 2012

Suriya Spinning Mills,
HTSC No.256,
SF.No.49/1B, Udumalpet Road,
Unjavelampattai (Po),
Pollachi - 642 003 Repd by its Manager,
K.R. Subramanian ...Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
19 A, Rukmani Lakshmipathi Salai, (Marshall's Road)
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer, NCES,
144, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Udumalpet Electricity,
Distribution circle,
TANGEDCO, TNEB, Udumalpet. ...Respondents

Prayer:-

Writ Petition filed under Article 227 of the Constitution of India in the nature of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in his Bill No.256 dated 31.01.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.39,082.80/- in Serial No.13 (f) as illegal, arbitrary, without the authority of law, forbear the 4th respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of

equivalent demand calculation till the power cut, load shedding are in force and consequently direct the 4th respondent to give refund/adjustment of the amount already collected from the petitioner.

For petitioner : Mr. R.S. Pandiyaraj
For respondent : Mr.N. Damodharan,
Standing Counsel

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a writ of certiorarified mandamus to call for the records of the 4th respondent in his Bill No.256 dated 31.01.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.39,082.80/- in Serial No.13 (f) of the said Bill, quash the same as illegal, arbitrary, without the authority of law and consequently forbear the 4th respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force and consequently direct the 4th respondent to give refund/adjustment of the amount already collected from the petitioner.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the matter is pending before the Appellate Tribunal for Electricity.

3. Recording the submissions made by the learned counsel for the petitioner, as the matter is seized of by the Appellate Tribunal for Electricity, this Court directs that the parties shall abide by the result of the Appellate Tribunal for Electricity.

Accordingly, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

WEB COPY
Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

mp

To

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Distribution circle,
TANGEDCO, TNEB, Udumalpet.

+1cc to Mr.R.S.Pandiaraj, Advocate, Sr.No.20889

W.P.No. 3706 of 2012
and M.P.No.1 of 2012

RGN (CO)
GS (09/06/2020)

सत्यमेव जयते

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