



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)Nos.12883 & 12884 of 2010

and

M.P. (MD) .Nos.2 and 2 of 2010

(Through Video Conferencing)

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W.P. (MD) .No.12883 of 2020

Mountain Spinning Mills Limited,
Represented by its
Managing Director,
G.Vettivel

... Petitioner

Vs

1.Tamil Nadu Electricity Board,
Represented by its Chairman,
144, Anna Salai, Chennai-600 002.

2.Tamil Nadu Electricity Board,
Represented by its Superintending Engineer,
Tamil Nadu Electricity Distribution Circle,
Tuticorin. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned memo dated 17.09.2010 in Memo No.CE /Comm1/EE/DSM/AEE1/F.POWER Cut /D.358/10 passed by the first respondent and quash the same and to forbear the second respondent from levying penalty with regard to peak hour consumption by the petitioner without prior notice and without re-fixation of energy quota based on the wind mill generation of the petitioner's four wind mills (WF HTSC Nos.419, 422, 1104 and 1750) in terms of the interim order dated 07.09.2010 passed by the Tamil Nadu Electricity Regulatory Commission in I.A.Nos.1 and 2 of 2010 in M.P.No.9 of 2010.

W.P. (MD) .No.12884 of 2020

The Tuticorin Spinning Mills Limited,
Represented by its
Managing Director,
G.Vettivel

... Petitioner

Vs

1.Tamil Nadu Electricity Board,
Represented by its Chairman,
144, Anna Salai, Chennai-600 002.



2.Tamil Nadu Electricity Board,
Represented by its Superintending Engineer,
Tamil Nadu Electricity Distribution Circle,
Tuticorin. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned memo dated 17.09.2010 in Memo No.CE /Comml/EE/DSM/AEE1/F.POWER Cut /D.358/10 passed by the first respondent and quash the same and to forbear the second respondent from levying penalty with regard to peak hour consumption by the petitioner without prior notice and without re-fixation of energy quota based on the wind mill generation of the petitioner's four wind mills (WF HTSC Nos.420, 421, 946 and 1724) in terms of the interim order dated 07.09.2010 passed by the Tamil Nadu Electricity Regulatory Commission in I.A.Nos.1 and 2 of 2010 in M.P.No.9 of 2010.

For Petitioners : Mr.S.Anwar Sameem
for M/s.T.Antony Arulraj

For Respondents : Mr.S.M.S.Johny Basha
Standing Counsel
(In both Writ Petitions)

COMMON ORDER

These Writ Petitions have been filed to challenge the memo dated 17.09.2010 issued by the first respondent, whereby, peak hour consumption charges was levied.

2 . Heard Mr.S.Anwar Sameem, learned counsel for the petitioners and Mr.S.M.S.Johny Basha, learned Standing Counsel for the respondents.

3. The learned Standing Counsel for the respondents 1 and 2 would submit before this Court that subsequent to the impugned circular, the respondents have revised the same and has issued a fresh circular and therefore, according to him, the Writ Petitions have now become infructuous. He has also drawn the attention of this Court to a Division Bench Judgment of this Court, dated 22.07.2019 passed in W.P.Nos.9821, 11145, 11683 of 2009 in the case of M/s.Biometal Bearings Limited, Huzur Gardent, Sembium, Chennai-600 001 and another Vs. The Superintending Engineer, TNEB Chennai EDC/North, No.141, Anna Salai, Chennai-600 002 and another) and submitted that pursuant to the said order, a fresh circular was also issued.

4. After recording the submission made by the learned Standing counsel for the respondents 1 and 2, nothing survives for



further adjudication in these Writ Petitions and accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

W.P. (MD)Nos.12883 & 12884 of 2010

14.12.2020

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MJ(CO)

KK(29.12.2020) 3P 1C