



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8937 of 2010 and
M.P. (MD)Nos.1 of 2010 and 1 of 2013

Vims Impex Limited,
HT SC No.32 (DEDC, TNEB),
Soundarya Nagar, Seelapadi Village,
Dindigul -624 005,
represented by its Manager,
G.Saravanan.

: Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory
Commission,
represented by its Secretary,
19-A, Rukmani Lakshmipathy Salai,
(Marshal Road), Egmore, Chennai - 600 008.

2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Dindigul.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the third respondent in letter No.SE/DEDC/DGL/AO/Rev/CO/DGL/D.No.1770, dated 05.07.2010 and quash the same insofar as it relates to levy of penalty for exceeding quota during evening peak hour as illegal, arbitrary without authority of law and against the orders of the first respondent made in optimum demand concept as per clause I (n) of Circular Memo dated 01.11.2008 and consequently, to direct the third respondent to refund or give adjustment of Rs.73,110/-, already collected illegally in their subsequent month bills.

For Petitioner
For Respondents

:Mr.R.S.Pandiyaraj
:Mr.S.M.S.Johnny Basha



ORDER

(This petition was heard through the Video Conferencing)

This Writ Petition has been filed challenging the letter, dated 05.07.2010 issued by the third respondent, whereby, the petitioner's request to run their industry without interruption of any power supply, since their industry is a continuous process industry, was rejected by the respondents.

2.Heard Mr.R.S.Pandiyaraj, learned Counsel for the petitioner and Mr.S.M.S.Johnny Basha, learned Counsel for the respondents.

3.The learned Standing Counsel for the respondents, on instructions, would fairly concede that the petitioner's industry comes within the category of a continuous process industry, as it falls in serial No.16(Malt-Extract), as per the circular of the Tamil Nadu Electricity Board in Memo No.CE/Comml/EE/DSM/F.Power Cut/D.001/2008, dated 01.11.2008,

4.Since the petitioner's industry falls under the category of "continuous process industry", this Court is of the considered view that the impugned order has been passed by total non application of mind and is arbitrary and illegal.

5.For the forgoing reasons, the impugned order passed by the third respondent, dated 05.07.2010, is hereby quashed and the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

Order made in
W.P.(MD)No.8937 of 2010

08.12.2020

ARK(CO)

NR (21/12/2020) 2P : 1C