



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.7492 of 2020

and

W.M.P. (MD)Nos.6963, 6964 and 6965 of 2020

WEB COPY

M/2.Ferrosco Industries Pvt. Ltd.,
Through Its Authorized Signatory,
S.Amutha.

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO Ltd.,
Maharaja Nagar,
Tirunelveli.

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

... Respondents

PRAYER: 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 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 order of the TNERC.

For Petitioner : Mr.R.Sreerangan

For Respondents : Mrs.M.Rajeswari
For Mr.S.M.S.Johnny Basha



O R D E R

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at stage of admission itself.

2.It is not in dispute that similar writ petitions were earlier filed by different parties and they had also been disposed of. One such order dated 30.04.2019 in W.P.(MD)No.13738 of 2019 etc. batch is enclosed in the typed set of papers by the petitioner's counsel. The learned standing counsel informs this Court that a batch of similar writ petitions were disposed of by this Court on 26.02.2020 with the following directions:-

7. Considering the submissions of either side and in light of the facts coupled with the interim order passed by the Division Bench, these writ petitions are disposed of with the following directions :

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the writ appeal.

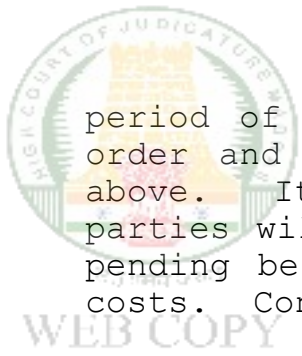
(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the writ appeals succeed, subject to the orders/observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.

There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

3.The learned counsel on either side submitted that the present writ petition can also be disposed of on the same lines. Hence, the present writ petition is also disposed of by directing the the petitioner to pay 50% of the amount demanded by TANGEDCO within a



period of four weeks from the date of receipt of a copy of this order and he will continue to adhere to the directions mentioned above. It is needless to say that the respective rights of the parties will abide by the outcome of W.A.Nos.2539 and 2540 of 2018 pending before the Hon'ble Division Bench of Principal Seat. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

TO

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