



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Tenth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

WMP(MD) No.13281 of 2020

IN

WP(MD) No.15850 of 2020

MADURA COATS PRIVATE LIMITED,
REP. BY ITS SR. MANAGER - LEGAL,
NEW JAIL ROAD, P.O.BOX NO. 35,
MADURAI -625 016.

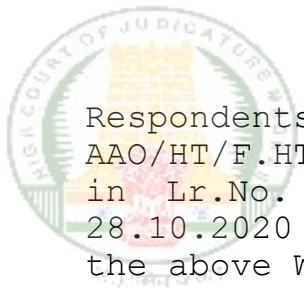
... PETITIONER/ PETITIONER

Vs

- 1 TAMIL NADU ELECTRICITY GENERATION
AND DISTRIBUTION COMPANY (TANGEDCO),
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR,
NO. 144, ANNA SALAI, CHENNAI -600 002.
- 2 THE SUPERINTENDING ENGINEER, TANGEDCO,
TIRUNELVELI ELECTRICITY DISTRIBUTION CIRCLE,
TIRUNELVELI -627 011.
- 3 TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP. BY ITS SECRETARY,
SIDCO CORPORATE OFFICE BUILDING,
4th FLOOR, THIRU VI.KA.INDUSTRIAL ESTATE,
GUINDY, CHENNAI -600 032.
- 4 CHIEF FINANCIAL CONTROLLER / REVENUE,
TANGEDCO, 144, ANNA SALAI,
CHENNAI -600 002
- 5 CHIEF ENGINEER / NON CONVENTIONAL ENERGY SOURCES (NCES),
TANGEDCO, 2nd FLOOR,
NPKRR MAALIGAI,
144, ANNA SALAI, CHENNAI -600 002
- 6 M/S.BETA WING FARM PRIVATE LIMITED,
4th FLOOR, SIGAPI ACHI BUILDING,
18/3, RUKMANI LAKSHMIPATHI ROAD,
EGMORE, CHENNAI -600 008. ... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein
and in the affidavit therewith the High Court may be pleased

<https://hcservices.courts.gov.in/hcservices/> order of interim stay on the operation of the second



Respondents impugned orders in Lr.No.SE/TEDC/TIN/ DFC/ AO(R)/ AAO/HT/F.HT02/D.331/20 dated 27.10.2020 and additional demand notice in Lr.No. SE/TEDC/TIN/ DFC/ AO(R)/ AAO/HT/F.HT02/D.333/20 dated 28.10.2020 and all proceedings pursuant thereto, pending disposal of the above Writ Petition.

WEB COPY

Prayer in WP(MD). 15850/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records of the second Respondent comprised in the Second Respondents Lr.No.SE/TEDC/TIN/ DFC/ AO(R)/ AAO/HT/F.HT02/D.331/20 dated 27.10.2020 and additional demand notice in Lr.No. SE/TEDC/TIN/ DFC/ AO(R)/ AAO/HT/F.HT02/D.333/20 dated 28.10.2020 and quash the same as being arbitrary, illegal, violative of the principles of natural justice besides being violative of the provisions of the Electricity Act, 2003 and consequently direct the 5th Respondent to enforce its circular bearing Circular Memo No. CE/NCES/SE/EE/WPP/AEE2/F. Banking Instructions/D. 1342/16, dated 19.07.2016 in letter and spirit and in accordance with rules framed thereunder.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.RAHUL BALAJI, Advocate for the petitioner and of MRS.M.RAJESWARI, Advocate for M/S.S.M.S.JOHNNY BASHA, Advocate on behalf of the respondents 1,2, 4 and 5, the court made the following order:-

Mrs.M.Rajeswari, learned Government Advocate accepts notice for the respondents 1,2, 4 and 5.

2. This writ petition has been filed, challenging the impugned demand notices issued by the second respondent dated 27.10.2020 and 28.10.2020 respectively.

3. It is the case of the petitioner that the impugned demand notices made by the second respondent are arbitrary, illegal and violative of the principles of the natural justice, besides being violative of the provisions of the Electricity Act, 2003. According to the petitioner, the basis for the demand is two circulars, which were issued by the fourth respondent dated 14.03.2016 and 01.04.2016. It is the contention of the petitioner that the aforementioned two circulars have been superseded by a circular dated 19.07.2016, issued by the fifth respondent.

4. The learned counsel appearing for the petitioner drew the attention of this Court to an interim order dated 12.01.2017, granted by another learned Single Judge of this Court with regard to same issue in W.P.(MD)No.770 of 2017, wherein the learned Single Judge has directed the respondents to maintain status quo with



regard to the demand made by the respondents based on the aforementioned two circulars, which according to the petitioner has been superseded by the subsequent circular dated 19.07.2016.

5. In view of the aforesaid submission, this Court is of the considered view that *prima facie* case has been made out by the petitioner for grant of interim stay in W.M.P.(MD)No.13281 of 2020. Accordingly, there shall be an order of interim stay in W.M.P.(MD) No.13281 of 2020.

6. However, it is made clear that the petitioner shall continue to pay the regular consumption charges to the respondent Electricity Board without committing any default.

7. Notice to the respondents 3 and 6 returnable by 09.12.2020.

8. Post the matter on 09.12.2020.

sd/-
10/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

ORDER
IN
WMP (MD) No.13281 of 2020
IN
WP (MD) No.15850 of 2020
Date :10/11/2020

mrn
JM/PN/SAR II/18.11.2020/3P/1C