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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.1315 of 2015

And

MP Nos.2 and 3 of 2015

T.R.K.Textile (India) Private Ltd.,
HTSC No.436,
Door No.3/150, Sukkittipalayam Road,
Olapalayam (Post) Kangeyam,
Erode Represented by its Authorised Signatory
A.Rathinakumar.

.. Petitioner

vs.

1. Tamil Nadu Electricity Regulatory Commission

Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.

2. Tamil Nadu Generation and Distribution Corporation Ltd.,

(TANGEDCO), Represented by its
Chairman and Managing Director,
No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Financial Controller - Revenue,

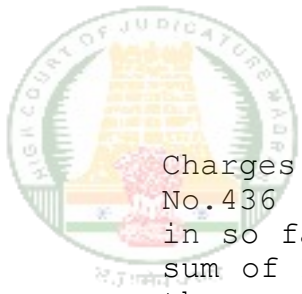
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

4. Accounts Officer/Revenue,

TANGEDCO,
Tirupur Electricity Distribution Circle,
Tirupur.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his impugned Memo bearing Lr.No.CFC/FC/DFC/AAO.HT/AS.3/D.No.118/13 para II.4 'Banking



Charges' dated 22.08.2013 and the consequential impugned CC Bill No.436 dated 03.01.2015 issued by the fourth respondent in his in so far as it relates to the levy of banking charges towards a sum of Rs.3,57,838/- under Serial No.19 'Other Adjustment' quash the same as illegal, arbitrary, without the Authority of Law and against the orders of the Hon'ble APTEL in Appeal No.197 of 2012 and consequently forbear the fourth respondent, their men, officers, agents, servants, representatives and/ or anyone claiming through or under them and/or or any other person from in any manner levying, demanding and/or collecting banking charges at 94 paise from the petitioner for their HT SC No.436 either through the CC Bills or in any other manner and direct the fourth respondent to give refund/ adjustment of the amount already collected from the petitioner.

For Petitioner : Mr.S.P.Parthasarathy

For Respondent-1 : No Appearance

For Respondents-2 to 4 : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO

O R D E R

The Current Consumption Bill dated 03.01.2015 issued by the fourth respondent, is under challenge in the present writ petition.

2. The impugned order has been passed based on the Circular issued by the TANGEDCO on 22.08.2013.

3. The Circular relating to comprehensive tariff order in respect of 'Wind Energy' had been recalled and a fresh Circular Memo has been issued by the TANGECO in Circular Memo No.CFC/REV/DFC/REV/ AS.3/D. No.384/17 dated 03.10.2017.

4. Thus the impugned order is to be reviewed by the Competent Authorities based on the subsequent Circular dated 03.10.2017 issued during the pendency of the present writ petition.

5. The learned counsel for the petitioner relied on the paragraph 8.0 of the circular dated 03.10.2017, which reads as under:-



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"8.0. Further, it is stated that while revising the CC bills from 01.08.2012 to 31.03.2016 in respect of the wind energy captive user, if any refund of banking charges and other charges arising, the same may be allowed for adjustment in the ensuing CC bill(s) in 10 instalments. Similarly, if any collection of CC charges is arising, the same shall be collected separately by issuing separate demand with 15 days' notice and if not paid, the same may be included in the ensuing CC bill after giving appropriate notice to the respective consumers. Instalments if any requested can be acted up on suitably without exceeding three monthly instalments."

6. In view of the Circular issued during the pendency of the present writ petition, the order impugned dated 03.01.2015 issued by the fourth respondent, is directed to be reviewed and a fresh order is to be passed extending the benefit of the Circular dated 03.10.2017 to the petitioner. The said exercise is directed to be completed, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.



- WP 1315 of 2015

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