



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2458 of 2020

and

W.M.P. Nos. 2856 and 2858 of 2020

Arupadai Arulmurugan Spinners Pvt Ltd.

HTSC No.316

S.F.No. 15/1A, Aathikattur

Anangur Post, Tiruchengode Taluk

Namakkal District

Rep. by its Authorized Signatory

Mr. G.Jayakumar

... Petitioner

Vs.

1. The Chairman

Tamil Nadu Generation and Distribution
Corporation Limited

(TANGEDCO)

144, Anna Salai

Chennai - 600 002.

2. Chief Financial Controller /Revenue

TANGEDCO

144, Anna Salai

Chennai - 600 002.

3. The Superintendent Engineer

Mettur Electricity Distribution Circle

Tamil Nadu Generation and Distribution

Corporation Limited

TANGEDCO, Mettur.

4. Tamil Nadu Electricity Regulatory Commission

Through its Secretary

No. 19A, Rukmini Lakshmipathy Salai

Egmore, Chennai - 600 008.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the Second 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 orders of the TNERC.

For Petitioner : Mr. R.S.Pandiyaraj

For Respondents: Mr. Jai Venkatesh
Standing Counsel for EB

O R D E R

Heard the Learned Counsel for the Petitioner and Learned Counsel for the Respondents.

2. Aggrieved by the withdrawal of deemed demand benefit extended to the Petitioner by the Respondents and consequent demand of charge, the present writ petition is filed.

3. When a writ petition is filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the Learned Single Judge of this Court upheld and quashed the impugned order.

4. Aggrieved by that the Respondent /TANGEDCO preferred an appeal in W.A. No. 2539 of 2018 and the same is pending before the Division Bench of this Court. The Division Bench, on 09.11.2018, while admitting the appeal preferred by the Respondent herein has directed the third parties to pay 50% of demand made pursuant to the impugned notice.

5. It is submitted by the Learned Counsel for the Petitioner as well as the Respondents that the said Writ Appeal is pending.

6. In the light of the interim order passed by this Court, on line with the interim order passed by the Division Bench, the Petitioner has paid 50% of the deemed demand charges on 12.06.2019.

7. Recording the same, this Writ Petition is disposed of. With direction that the Petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the



Respondent herein is allowed and he shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the Petitioner shall continue to pay 50% of deemed demand charges. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Rli
To

1. The Chairman,
Tamil Nadu Generation and Distribution,
Corporation Limited,
(TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. Chief Financial Controller /Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
3. The Superintendent Engineer
Mettur Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO, Mettur.
4. Tamil Nadu Electricity Regulatory Commission
Through its Secretary
No. 19A, Rukmini Lakshmipathy Salai
Egmore, Chennai - 600 008.

+lcc to Mr.R.S.Pandiyaraj, Advocate Sr.59171

W.P. No. 2458 of 2020

kg[co]
srg 30/11/2021