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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

W.P.Nos. 23017 and 9213 of 2010
and

M.P.Nos.1, 1, 2, 2, 3 of 2010 & 1 of 2012

Plaza Maintenance and Services Limited,
Having its Regd. Office at
769, Spencer Plaza,
Anna salai, Chennai -2
Rep. by its General Manager,
S.K.Rahamatulla

... Petitioner in both Wps

Vs

- 1.The Tamil Nadu Electricity Regulatory Commisison,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai -8.
Rep. By its Secretary.
- 2.The Chairman,
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
Chennai Electricity Distribution Circle / Central,
Tamil Nadu Electricity Board,
Chennai - 600 034.

.. Respondents in both WPs

PRAYER in W.P.No.23017 of 2010 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the third respondent relating to the bills Lr.No.SE/CEDC/C/DFC/C/AAO/HT/HTSC No.2418/D813/10 dated 26.08.2010 quashing the claims/demands for additional charges as sought for therein as illegal, arbitrary and without authority of law that this Honourable Court may deem fit and proper in the circumstances of the case.



PRAYER in W.P.No.9213 of 2010 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 3rd Respondent relating to the bills No.Lr.No.SE/CED/C/DFC/C/AAO/HT/HTSC.No.2245/D226/10 dated 25.3.2010 and 01.04.2010, quashing the claims / demands for additional charges as sought for therein as illegal, arbitrary and without authority of law.

For Petitioner : Mr.Rahul Balaji
(in both W.Ps) For M/s.Preeti Mohan

For R1 : No appearance
(in both W.Ps)

For R2 and R3 : Mr.L.Jaivenkatesh
(in both W.Ps) For TANGEDCO

COMMON ORDER

The issues raised in the present writ petitions are no more res integra and already decided by the TNERC in D.R.P.No.13 of 2010 dated 14.03.2011. The review filed by the Electricity Board was also rejected on 15.11.2011 and the findings of the Commission reads as under:-

'.....

5.Findings of the Commission:-

The TNEB, in their letter dated 27.6.2010 communicated to the Petitioner that the demand quota for the month of July 2010 would be 1182 KVA and the energy quota 6,29,499 units. The bill of the TNEB for the month of July 2010 indicates that the maximum recorded demand is 1159 KVA and the energy consumed is 6,38,624 units, excess being 9125 units. The bill of TNEB for July 2010 indicated an excess demand charges of Rs.67,381/- and excess energy charges of Rs.3,11,772. The excess energy charges have been levied for 35,700 units as against 9125 units. The TNEB is estopped from going back on the demand and energy quota communicated in advance. We have no hesitation in setting aside the excess demand charges and excess energy charges other than the actual excess of 9125 units. The balance may be refunded by the TNEB to the consumer/generator. The Learned Counsel for TNEB states that it has



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refunded to the consumer the excess amount in respect of excess energy consumption.

6.Direction:-

In view of the findings in para 5 above, the impugned Letter No.SE/TEDC/TNI/DFC/AS/HT/Asst/F.PC/D.No.39 5/10, dated 06.09.2010 of the Second Respondent is set aside. The Respondents are directed to refund the amount of excess charges collected from the Petitioner for the month of July 2010 after recalculating the excess charges as per para 5 of this order and adjusting the amount already refunded by way of adjustment.'

2. In view of the above directions, the case of the petitioner is also to be considered. Accordingly, the impugned orders are set aside and the benefits extended in the order cited supra stands extended to the petitioner also.

3. Consequently, both the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commisison,
19-A, Rukmini Lakshmiipathy Salai,
(Marshalls Road)
Egmore, Chennai -8.
2. The Chairman,
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.



3. The Superintending Engineer,
Chennai Electricity Distribution Circle / Central,
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SMI (CO)
PR (27/12/2021)