



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31155 of 2013

and

M.P.Nos.1, 2, 3 of 2013 and 1 of 2014

The KCP Ltd., (HT SC No.1044)

P.B.No.2278, Basin Road, Thiruvotriyur,
Chennai-19, rep. by its Technical Director
V.Gandhi

... Petitioner

..Vs..

The Superintending Engineer,
Chennai Electricity Distribution Circle (North)
TANGEDCO, Anna Salai, Chennai-600 002.

... Respondent

PRAYER: Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Letter of the respondent in Lr.No.SE/CEDC/N/AEE/ GL/F.Power Cut/D.1175/2013 dated 30.09.2013 and CC Bill dated 01.11.2013 for October 2013 in so far as the levy of Rs.4,37,795.40 towards penalty for excess quota and to quash the same and consequently direct the respondent to re-fix the quota energy of 7,19,512 units and quota demand of 3580.8 KVA as against the base energy of 8,99,380 units and base demand of 4476 KVA respectively to consume by the petitioner on applying 20% power cut without adjusting the wind mill energy and demand.

For Petitioner : Mr.Palani Selvaraj

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel for TANGEDCO

O R D E R

The writ on hand has been instituted questioning the validity of the High tension Bill issued to the writ petitioner.



2. The learned Counsel appearing on behalf of the petitioner made a submission that the respondent is not empowered to collect charges in view of the circular issued by the Board in Circular Memo No.CE/Coml/EET/AEE.2/F.Consumers with arrears/D.28/13, dated 23.01.2014. It is contended that the actions are initiated in violation of the circular issued by the Board itself.

3. The learned counsel appearing on behalf of the Electricity Board has not disputed the circular and it is brought to the notice of this Court that the circular came into force after filing of the present writ petitions.

4. This being the factum, the respondent is directed to follow the circular with reference to the facts and circumstances of the case of the writ petitioner.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

The Superintending Engineer,
Chennai Electricity Distribution Circle (North)
TANGEDCO, Anna Salai, Chennai-600 002.

+1cc to Mr.L.Jai Venkatesh, Advocate SR.No.62099

W.P.No.31155 of 2013

KSM(CO)
GN(13/12/2021)