



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 4381 of 2012

and

M.P.Nos. 1 and 2 of 2012

Chenniappa Yarn Spinners (Pvt) Ltd. HTSC No.165
S.F.No.95/1 Mangarasa Valayapalayam
Alathur Medu, Avinashi-Puliampatti Road,
Tirupur District rep. its
Authorized Signatory V.Senthikumar

...Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai 600 002.
3. The Chief Engineer, NCES,
144, Anna Salai,
Chennai 600 002.
4. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, TNEB,
Tirupur.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th Respondent in his Bill No.165 dated 03.02.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,37,408.40/- in Serial No.13(f) as illegal, arbitrary, without the authority of law and consequently forbear the 4th Respondent from taking energy adjusted instead of energy available to the credit of the Petitioner for the purpose of equivalent demand calculation till the power cut load shedding are in force.



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For Petitioner : Mr.S.P.Parthasarthy
For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO [For R2 to R4]

No appearance -R1

ORDER

The writ petition has been filed challenging the correctness of the impugned Bill No.165 dated 03.02.2012 issued by the Superintending Engineer, Tirupur, the fourth respondent herein.

2.The learned counsel appearing for the petitioner would submit that when the similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission and others in I.A. No.736 of 2019 in D.F.R. No.1584 of 2019, the Appellate Tribunal for Electricity by order dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3.In view of the fact that an interim order dated 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar issue as that of the petitioner, the writ petition is disposed of. No coercive steps will be taken against the petitioner till the orders are passed by the respondents. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

nti/kak

To

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



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2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
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3. The Chief Engineer, NCES,
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Chennai 600 002.

4. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, TNEB,
Tirupur.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.68616

W.P.No. 4381 of 2012

SV(CO)
SB(03/01/2022)