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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. 36852 OF 2015

Bannari Amman Spinning Mills Ltd., HT SC No.340
S.F.No.371/3, 371/4, 372/3 Kodangaipalayam Village,
Paruvai Post, Karanampettai, Palladam Taluk,
Coimbatore - 641 658 Represented by its
Authorized Signatory N.Muthuraman

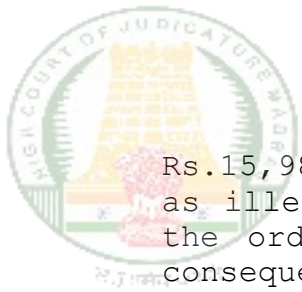
...Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Rep, 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 Office Revenue,
TANGEDCO,
Coimbatore Metro Distribution Circle,
Coimbatore.

...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 3rd Respondent in his
impugned memo bearing Lr.No./CFC/FC/DFC/AAO.HT/AS.3/D.No.118/13
dated 22.08.2013 and the consequential impugned CC Bill No.340
dated 01.11.2015 issued by the 4th Respondent in his insofar as
it relates to the levy of banking charges towards a sum of



Rs.15,982/- under Serial No.21 '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 4th Respondent their men, officers, agents, servants, representative and / or any one claiming through or under them and /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.340 either through the CC Bills or in any other manner, till such time that the 1st Respondent reconsiders the computation of banking charges as directed by the APTEL, New Delhi in its order dated 24.05.2013 in Appeal No.197 of 2012.

For Petitioner : Mr.S.P.Parthasarthy

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO [For R2 to R4]

No appearance -R1

ORDER

The Current Consumption Bill dated 01.11.2015 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:-

"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



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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. Installments if any requested can be acted up on suitably without exceeding three monthly installments."

6. In view of the Circular issued during the pendency of the present writ petition, the order impugned dated 01.11.2015 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.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tamil Nadu Electricity Regulatory
Commission, 19-A, Rukmini Lakshmi Pathy Salai,
(Marshall's Road), Egmore, Chennai - 600 008.
2. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002.
3. The Chief Financial Controller - Revenue
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.
4. Accounts Office Revenue,
TANGEDCO,
Coimbatore Metro Distribution Circle,
Coimbatore.

+1cc to M/s.R.S.Pandiyaraj, Advocate, S.R.No.68615

W.P.No. 36852 of 2015

CP(CO)

RLP(29/12/2021)