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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.11274 of 2018

and

W.M.P.Nos.13170 & 13171 of 2018

Sam Turbo Industries Ltd. HT SC No.68,
S.F.No.380/1, Pudupeerkadavu,
Bhavanisagar, Sathyamangalam Taluk,
Erode - 638 451.

Rep. by its Authorized Signatory

P. Ranjith Kumar

... Petitioner

Versus

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

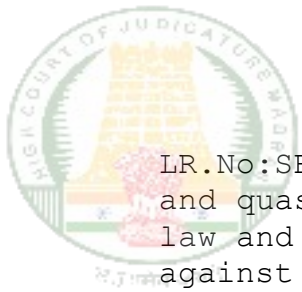
2.The Tamilnadu Generation and Distribution
Corporation Ltd (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
Represented by its Chairman

3.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.

4.The Superintending Engineer,
Gobi Electricity Distribution Circle,
No.132-D Cutchery Street,
TANGEDCO,
Gobichettipalayam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records of the fourth respondent's impugned demand notice



LR.No:SE/GEDC/DFC/F.HT 68/F.DKT/D.047 No/2018 dated 09.02.2018 and quash the same as illegal, arbitrary and without authority of law and contrary to the orders passed by the first respondent and against Section 56(2) of the Electricity Act, 2003.

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For Petitioner : Mr.S.P.Parthasarthy

For R2 to R4 : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

This writ petition has been filed challenging the impugned order dated 09.02.2018, demanding a sum of Rs.89,65,474/- towards short levy for the year 2012-13, 2013-2014, 2014-2015 and 2015-2016 issued by the Superintending Engineer, Gobichettipalayam, 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 petitions are disposed of, with a direction that no coercive steps shall be taken against the petitioner till the final orders are passed by the Tamil Nadu Electricity Regulatory Commission in D.F.R. No.1584 of 2019 and the said order will bind the petitioner as well. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

sp/jd



To

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

2.The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

3.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.

4.The Superintending Engineer,
Gobi Electricity Distribution Circle,
No.132-D Cutchery Street,
TANGEDCO,
Gobichettipalayam.

+1cc to Mr.R.S.Pandiaraj, Advocate SR.No.64658

W.P.No.11274 of 2018
and
W.M.P.Nos.13170 & 13171 of 2018

SSN(CO)
CB(04/01/2022)