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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9785 of 2015

and

M.P.Nos.1 & 2 of 2015

M/s.Shardlow India Ltd.,
Huzur Gardens,
Sembium,
Chennai - 600 011
Rep.by its Company Secretary,
Mr.K.Karthik

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai EDC North,
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai EDC North,
144, Anna Salai,
Chennai - 600 002.

3.The Accounts Officer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai EDC North,
144, Anna Salai,
Chennai - 600 002.

...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 respondent Board with respect to the impugned letter dated 22.4.2014 bearing reference Lr.No.SE/CEDC/N/AEE/GL/F.HT S/c 1084/D658/14 pertaining to HTSC No.1084 belonging to the petitioner and quash the same as illegal and direct the respondents to re-fix the demand and energy quota applicable to HT A/c 1084 belonging to the petitioner by only applying the applicable power cut (20% at



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present) to the base demand of 1218 KVA and base energy of 381400 units as mentioned in the working instructions dated 01.11.2008.

For Petitioner :Mr.Krishna Srinivas
For M/s.S.Ramasubramaniam
and Associates

For Respondents:Mr.L.Jai Venkatesh
For TANGEDCO

O R D E R

The notice dated 22.04.2014 issued by the respondent Board is under challenge in the present writ petition.

2. The main contention raised by the learned counsel for the petitioner is that the restriction sought to be imposed by the Respondents on the petitioner by way of demanding an undertaking from the petitioner that it should not avail private powers / wind mill in future in order to be treated as a ordinary / normal consumer for fixation of Base Demand and Base Energy without deducting captive power generation as stated in the impugned letter dated 22.04.2014 belonging to the petitioner is contrary to the common order dated 28.02.2011 in W.P.No.691 of 2011 and in order dated 07.09.2010 in M.P.No.6 of 2010 of the Tamil Nadu Electricity Regulatory Commission.

3. It is contended that the impugned notice is directly in violation of the proposition laid down by the Court in the order cited supra. Thus, the notice impugned is untenable. However, the petitioners' are responded to the notice by elaborating that their liberty cannot be curtailed as it is not contemplated nor considered by the Court in its order. Therefore, the respondents must confine their demand only in respect of captive power and not with reference to the private power.

4. This being the main contention raised and the petitioner also elaborated their stand in their reply letter 14.05.2014, the respondents are bound to take a decision on merits and in accordance with law. On account of efflux of time and considering the facts and circumstances, this Court of an opinion that the respondents have to consider all the issues raised by the petitioner in this regard and take a decision and pass appropriate orders.

5. In view of the facts and circumstances, the second respondent is directed to consider the explanations / objections submitted by the writ petitioner and also the subsequent developments, if any occurred during the pendency of the writ



petition and take a decision on merits and in accordance with law and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. The second respondent is also directed to provide a personal hearing to the petitioner by fixing a date and time, which may be availed by the petitioner. The petitioner is also at liberty to submit additional explanations or documents, if any, within a period of two (2) weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
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+1 cc to Mr.L.Jai Venkatesh, Advocate Sr.NO.66720

+1 cc to Mr.S.Ramasubramaniam, Advocate Sr.NO. 66566

W.P.No.9785 of 2015

CA(CO)

A.SK(30.12.2021)