



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.15815 of 2021 and
W.M.P.No.16720 of 2021

Sri Sivajothi Spinning Mills (P) Ltd., HT SC No.089
S.F.No.104, Kovaipalayam Road
Polavapalayam Post
Nambiyur - 638 458
Erode.
Rep. by its
Authorised Signatory S.Paramasivam ..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, 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
TANGEDCO
Gobi Electricity Distribution Circle
GOBI.
5.The Superintending Engineer
TANGEDCO
Palladam Electricity Distribution Circle
Palladam.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.35,98,762/- (for the year 2019-21) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.



For Petitioner : Mr.S.P.Parthasarathy
For Respondents : Mr.M.Abul Kalam

ORDER

WEB COPY

Present writ petition has been filed by the writ petitioner seeking to forbear the Respondents and their men agents from collecting current consumption charges demand charges and any arrears from the petitioner until the Respondents makes Payment of the outstanding dues of Rs.35,98,762/- (for the year 2019-21) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. The case of the petitioner is that the petitioner have already collected the details of surplus wind energy sold to the respondent after captive consumption from the year 2019 to 2021, i.e., a sum of Rs.21,00,500/- for the year 2019-2020 and a sum of Rs.14,98,262/- for the year 2020-2021. Accordingly, raised invoices for the encashment of the same at the applicable tariff value at the appropriate time with the respondents. However, in pursuance of the tariff order dated 20.03.2009 and also as per the terms of the Energy Wheeling Agreement executed between the petitioner and the Officials of the respondent, no payment has been made till date. It is further stated that the petitioner have availed loan for establishing their wind mills and are paying interest for the same. Since there is abnormal delay in getting payment from the respondent/Corporation, they are facing financial constrain and seek direction to the respondents not to take any coercive steps to disconnect the electricity connection until outstanding due amount is adjusted by the respondent Board towards the current consumption charges payable by the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents-Board and perused the records.

4. The learned counsel appearing for the petitioner relied upon by the final orders passed by this Court in similar matter in W.P.No. 12765 of 2021, dated 21.06.2021 and agreed to pass orders in the instant writ petition on the same line. Accordingly, the following order is passed;

(i). The fifth respondent is directed to consider the petitioner's claim and adjust the outstanding due amount for the current consumption charges payable by the petitioner, subject to the verification of arrear bills.

(ii). The aforesaid exercise shall be completed by the fifth respondent as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this order.



WEB COPY

(iii). It is also made clear that the respondents shall not take any coercive steps to disconnect the electricity connection to the petitioner until they adjust the current consumption charges payable by the petitioner.

(iv). With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

30.07.2021

Jer

Index : Yes/No

Speaking order/Non-speaking order

To

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

2.The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited, 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
TANGEDCO
Gobi Electricity Distribution Circle
GOBI.

5.The Superintending Engineer
TANGEDCO
Palladam Electricity Distribution Circle
Palladam.

+1cc to Mr.R.S.Pandiayaraj, Advocate SR.No. 37460

W.P.No.15815 of 2021 and
W.M.P.No.16720 of 2021

GPL (CO)
A.SK(19.08.2021)