



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15112 OF 2020

AND

W.M.P.NO.18852 OF 2020

Dau Seung Autoparts India Pvt.Ltd.,
Rep by its Deputy Manager,
No.474, Mannur Village,
Valarpuram Post,
Sriperumbudur - 602 105.

... Petitioner

.Vs.

1. The Tamil Nadu Generation And
Distribution Corporation Limited,
Rep. by its Chairman,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller/Revenue,
The Tamil Nadu Generation And
Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer =,
TANGEDCO,
Electricity Distribution Circle,
Chengalpattu.
4. The Accounts Officer,
TANGEDCO,
Electricity Distribution Circle,
Chengalpattu.
5. The Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathysalai,
Egmore, Chennai - 600 008.

... Respondents



PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd Respondent to act in accordance with the judgment of this Court dated 14.09.2018 and direct the 2nd Respondent to extend the deemed demand benefit to the petitioner in accordance with law and the procedure contemplated in the business regulations and refund all charges that have been collected without providing the deemed demand benefit with interest thereon at a rate equivalent to the BPSC rates applicable from time to time.

For Petitioner : Mr.R.Parthasarathy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

This Writ petition has been filed seeking for the issuance of Writ of Mandamus directing the 2nd respondent to extend the deemed demand benefit to the petitioner and refund all charges that have been collected with interest.

2. Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondent and consequent demand of charge, the present writ petition is filed.

4. When a writ petition is filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the learned single Judge of this Court upheld and quashed the impugned order.

5. Aggrieved by that the respondent/TANGEDCO preferred an appeal and the same is pending before the Division Bench of this Court. The Division Bench, while admitting the appeal preferred by the respondent herein has directed to the third parties to pay 50% of demand made pursuant to the impugned notice.

6. It is submitted by the learned counsel for the petitioner as well as the respondent that the said Writ Appeal is pending.

7. In the light of the interim order passed by this Court on line with the interim order passed by the Division Bench, the petitioner has paid 50% of the deemed demand charges on 12.06.2019.



8. Recording the same, this Writ Petition is disposed of. With direction that the petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondent herein is allowed and he shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioner shall continue to pay 50% of deemed demand charges. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Chairman,
The Tamil Nadu Generation And
Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller/Revenue,
The Tamil Nadu Generation And
Distribution Corporation Limited
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO, Electricity Distribution Circle,
Chengalpattu.
4. The Accounts Officer,
TANGEDCO, Electricity Distribution Circle,
Chengalpattu.
5. The Secretary,
The Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathysalai,
Egmore, Chennai - 600 008.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.303

W.P.NO.15112 OF 2020 AND
W.M.P.NO.18852 OF 2020

SRA (CO)
PBS/12/01/2022