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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41864 of 2016

Sadas Textile Mills Private Limited,
Kodumudi Road, Mettukadai,
Muthur (P.o), Kangayam (T.K),
Erode - 638105
Redp. its Managing Director K.Nithyanandam

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by the Secretary to Government,
Energy Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The TANGEDCO,
Rep by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer/Commercial,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
- 4.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO,
Erode.
- 5.The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO,
Tirupur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent and 5th respondent to grant tariff concession benefit of Rs.22,97,097/- to the petitioner industry for the period March /1997 to March/2000 as per the order of this Hon'ble Court in W.P.No.17700/08 dated 26.09.2008 based on the law laid down by the Supreme Court in its judgment dated



16.05.2008 passed in Civil Appeal No.3940 of 2008 along with a interest of 1.5% per month from their respective due date to the date of payment and also refund Rs.14,82,453/- illegally collected from the petitioner.

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For Petitioner : Mr.S.P.Parthasarthy

For R1 : Mr.C.Selvaraj
Additional Government Pleader

For R2 to R5 : Mr.L.Jai Venkatesh
Standing Counsel for [TANGEDCO]

O R D E R

The relief sought for in the present writ petition is to direct the respondents 3 and 5 to grant tariff concession benefit of Rs.22,97,097/- to the petitioner industry for the period March /1997 to March/2000 as per the order of this Hon'ble Court in W.P.No.17700/08 dated 26.09.2008 based on the law laid down by the Supreme Court in its judgment dated 16.05.2008 passed in Civil Appeal No.3940 of 2008 along with a interest of 1.5% per month from their respective due date to the date of payment and also refund Rs.14,82,453/- illegally collected from the petitioner.

2. Adjudication of issues raised in the present writ petition become unnecessary, in view of the submission made by the respondents in their counter affidavit. The counter affidavit filed by the Superintending Engineer, TANGEDCO, Paragraph 6.4 states as follows:

"6.4. I respectfully submit that the TANGEDCO has ready to refund the total amount of Rs.41,70,634/- towards tariff concession amount of Rs.22,02,662 + Bank Guarantee amount Rs.4,85,519 + BPSC collected amount of Rs.14,82,453/-"

3. The respondents are objecting the payment of interest alone and this Court is of an opinion that, in view of the continuing litigation between the parties, it may not be preferable to consider the payment of interest to the petitioner.

4. However, it is for the petitioner to submit a fresh application for claiming interest and in the event of filing any such application, the same may be considered on merits. As far as the refund as admitted in paragraph 6.4 of the counter affidavit, the respondents are bound to settle the amount by issuing check as expeditiously as possible and preferably, within a period of 12 weeks from the date of receipt of a copy



of this order.

5. With these observations, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

1. The Secretary to Government,
State of Tamil Nadu,
Energy Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Chairman,
The TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer/Commercial,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO,
Erode.
5. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO,
Tirupur.

+1cc to Mr.R.S. Pandiyaraj, Advocate, S.R.No.60331
+1cc to the Government Pleader, S.R.No.60292

W.P.No.41864 of 2016

PL(CO)
CT 06/12/2021