



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.17101 of 2019

Sree Rengaraj Ispat Industries (P) Ltd.,
Plot Nos.MM 1, 2 & 5,
SIPCOT Industrial Growth Centre,
Perundurai - 638 052,
rep. by its Authorized Signatory,
P.Kannan

... Petitioner

vs.

1. The Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
rep. by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO,
Erode.
3. The Accounts Officer/Revenue,
Erode Electricity Distribution Circle,
TANGEDCO,
Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent's impugned CC Bill dated 29.05.2019 (mailed to the Petitioner only on 11.06.2019) insofar as it relates to Parallel Operation Charges alone and quash the same as contrary to the Hon'ble The Appellate Tribunal for Electricity in I.A.No.715 of 2019 in Appeal No.173 of 2019 dated 29.05.2019 and consequently direct the 3rd Respondent to rework the impugned CC Bill for the month of May 2019 strictly in compliance with the directions issued by the Hon'ble The Appellate Tribunal for Electricity in I.A.No.715 of 2019 in Appeal No.173 of 2019, dated 29.05.2019 and the TN Electricity Supply Code, 2004.



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For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.J.Ravindran,
Additional Advocate General,
assisted by
Mr.M.R.Gokulakrishnan,
Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned CC Bill dated 29.05.2019 issued by the 3rd Respondent herein, insofar as it relates to Parallel Operation Charges alone and for a consequential direction to the 3rd Respondent to rework the impugned CC Bill for the month of May 2019 strictly in compliance with the directions issued by the Appellate Tribunal for Electricity in I.A.No.715 of 2019 in Appeal No.173 of 2019 on 29.05.2019 and the TN Electricity Supply Code, 2004.

2. When the matter was taken up for hearing, learned counsel for the Petitioner produced a copy of the order dated 21.09.2021 passed by this Court in W.P.No.12411 of 2019 and batch of cases, and submitted that, the issue involved in this case is squarely covered by the said decision. For better appreciation, relevant portion of the said order is extracted hereunder:

“When the batch was taken up for hearing, it was represented on the side of the Petitioners that, the large issue is now pending by way of an Appeal before the Appellate Tribunal for Electricity (APTEL), New Delhi. It was further submitted that, no further useful purpose will be served in remanding the matter back to the file of the State Regulatory Commission, since the Commission has already taken a decision and aggrieved by the same, the Appeal was filed before APTEL. Therefore, it was requested that all these Writ Petitions can be transferred to the file of the APTEL in order to enable the Petitioners to participate in the Appeal and raise the grounds that have been raised by them in these Writ Petitions.

2. The learned Standing Counsel appearing on behalf of the TANGEDCO circulated the list of cases that are pending on the file of APTEL and stated that, he leaves it to this



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Court to take a decision with regard to the transfer of the cases to APTEL.

3. The learned Senior Counsel appearing on behalf of the Petitioner in W.P.No.12411 of 2019, circulated the interim orders passed by APTEL on 06.08.2019. It is seen from the interim order that the APTEL has taken a note of the interim orders that were passed by this Court in the Writ Petitions and had granted the interim order, pending the Appeal. In view of the same, it will be more appropriate if all these Writ Petitions are transferred to the file of the APTEL.

4. Accordingly, all these Writ Petitions shall stand transferred to the file of the APTEL to be heard along with Appeal Nos.162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325, 328, 395, 434, 2410 214 & 215 of 2019 & 82 of 2020. It is left open to the Petitioners to raise all the grounds that have been raised in the Writ Petitions before APTEL. Till the Appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue."

3. In terms of the said order passed by this Court, this Writ Petition shall stand transferred to the file of the Appellate Tribunal for Electricity (APTEL) to be heard along with connected cases. It is open to the Petitioner to raise all the grounds that have been raised in this Writ Petition, before APTEL. Till connected cases are disposed of by the APTEL, interim order that has already been granted by this Court, shall continue.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.16665 and 16666 of 2019 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The Chairman & Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO, Erode.
3. The Accounts Officer/Revenue,
Erode Electricity Distribution Circle,
TANGEDCO, Erode.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.60554

W.P.No.17101 of 2019

SJ(CO)
CT 09/12/2021