



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12452 and 12453 of 2014
and M.P.Nos.1, 1 and 2 of 2014

Technocast Foundry, HTSCNo.452,
S.F.No.127/3B, Sanothipalayam Road,
Arasur Coimbatore - 641 407
Rep. by its Authorised Signatory
K.Ragupathy .. Petitioner in both cases

-vs-

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

2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai 600 002.

3.The Superintending Engineer,
Coimbatore Elec. Distribution Circle(S),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore. .. Respondents in both cases

Prayer in W.P.No.12452 of 2014: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his Notice Lr.No.SE/CEDC/S/ CBE/DFC/AO/ REV/AS/ F.BOAB/D/2013 dated 11.03.2014 [vide audit slip No.197 dated 22.01.2014] penalty for exceeding demand quota during evening peak hour for the month from April 2012 to November 2012, quash the same as illegal, arbitrary and violation of principle of natural justice.

Prayer in W.P.No.12453 of 2014: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his impugned demand Lr.No.SE/CEDC/S/CBE/DFC/AO/REV/AS/F.BOAB/D.2013 dated 11.03.2014 [vide audit slip No.198 dated 18.02.2014] quash the same for the alleged short levy of Excess adjustment of third party power for the months from 04/2012 to 03/2013.



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For Petitioner
in both cases : Mr.S.Parthsarathy

For Respondents
in both cases : Mr.L.Jaivenkatesh
Standing Counsel [For R2 & R3]
No appearance for R1

COMMON ORDER

The writ petitions have been filed challenging the correctness of the impugned demand notice dated 11.03.2014 issued by the Superintending Engineer, Coimbatore, the third respondent herein.

2.Learned counsel appearing for the petitioner would submit that when the similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission and others in I.A. No.736 of 2019 in D.F.R. No.1584 of 2019, the Appellate Tribunal for Electricity by order dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3.In view of the fact that an interim order dated 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar issue as that of the petitioner, the writ petitions are disposed of. No coercive steps will be taken against the petitioner till the orders are passed by the respondents. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cse

To

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

2.The Chairman,
Tamil Nadu Electricity Board,144, Anna Salai, Chennai 600 002.

3.The Superintending Engineer,
Coimbatore Elec. Distribution Circle(S),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),Coimbatore.

+2 ccs to Mr.R.S.Pandiyaraj, Advocate Sr.NO. 62747

W.P.Nos.12452 and 12453 of 2014

RLD(CO)

A.SK(10.12.2021)