



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12495 of 2014

TCS Textiles (P) Ltd., HTSC N.242,
S.F.No.39, N.G.Palayam,
Pudur Pirivu, Tekkalur,
Avinashi - 641 654
Rep. by its Authorised Signatory
T.Thangamani

...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 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

PRAYER : 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 notice Lr.No.SE/CEDC/S/CBE/DFC/AO/HT/F.BOAB10-11/D.No. Dated 2.8.2012 and quash the same towards alleged short levy of Excess charges for the period from 09/2008 to 03/2010 as illegal, arbitrary, without the authority of law and against the orders of the 1st respondent made in D.R.P.No.14 of 2010 dated 14.03.2011 and consequently direct the 3rd respondent to give refund/adjustment of the amount illegally collected from the petitioner.



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For Petitioner : Mr.S.P.Parthasarathy

For Respondents: Mr.L.Jaivenkatesh
Standing Counsel [For R2 & R3]

No appearance for R1

O R D E R

The issues raised in the present writ petition are no more resintegra and already decided by the TNERC in D.R.P.No.13 of 2010 dated 14.03.2011. The review filed by the Electricity Board was also rejected on 15.11.2011 and the findings of the Commission reads as under:-

'.....

5.Findings of the Commission:-

The TNEB, in their letter dated 27.6.2010 communicated to the Petitioner that the demand quota for the month of July 2010 would be 1182 KVA and the energy quota 6,29,499 units. The bill of the TNEB for the month of July 2010 indicates that the maximum recorded demand is 1159 KVA and the energy consumed is 6,38,624 units, excess being 9125 units. The bill of TNEB for July 2010 indicated an excess demand charges of Rs.67,381/- and excess energy charges of Rs.3,11,772. The excess energy charges have been levied for 35,700 units as against 9125 units. The TNEB is estopped from going back on the demand and energy quota communicated in advance. We have no hesitation in setting aside the excess demand charges and excess energy charges other than the actual excess of 9125 units. The balance may be refunded by the TNEB to the consumer/generator. The Learned Counsel for TNEB states that it has refunded to the consumer the excess amount in respect of excess energy consumption.

6.Direction:-

In view of the findings in para 5 above, the impugned Letter No.SE/TEDC/TNI/DFC/AS/HT/Asst/F.PC/D.No.395/10, dated 06.09.2010 of the Second Respondent is set aside. The Respondents are directed to refund the amount of excess charges collected from the Petitioner for the month of July 2010 after recalculating the excess charges as per para 5 of this order and adjusting the amount already refunded by way of adjustment.'



2. In view of the above directions, the case of the petitioner is also to be considered, accordingly, the impugned order is set aside and the benefits extended in the order cited supra stands extended to the petitioner also. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse

To

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 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.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.62748

W.P.No.12495 of 2014

VBM(CO)
RGA(10/12/2021)