



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WRIT PETITION NO.19775 OF 2019

M/s.AVRN Hotels Pvt. Ltd.,
represented by its Managing Director,
A.Vijayaraghavan,
No.12, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai 600 106.

... Petitioner

.vs.

1. Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai, Chennai.
 2. Chennai Electricity Distribution Circle (West),
represented by its Superintending Engineer,
Anna Nagar, Chennai 600 040.
 3. The Coimbatore Electricity Distribution Circle (South),
represented by its Additional Chief Engineer,
Coimbatore - 641 102.
- ... 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 2nd Respondent herein culminating in Lr.No.SE/CEDC/WEST/DFC/AAO/HT SC 1171/AS 3/D/1018/2019 dated 25.06.2019 on the file of the 2nd Respondent herein, quash the same and direct the 2nd Respondent herein to adjust 343498 Units of electricity generated by the windmill owned by the Petitioner against the Petitioner's power consumption in HTSC No.1711 as per the Agreement dated 24.03.2008 entered into between the Petitioner and the Respondents, in respect of which, demand for a sum of Rs.30,02,981/- has been raised under the order impugned herein.

For Petitioner	:	Mr.M.Santhanaraman
For 1 st Respondent	:	Mr.P.Manoj Kumar, Standing Counsel

For Respondents 2 & 3	:	Mr.Abul Kalam
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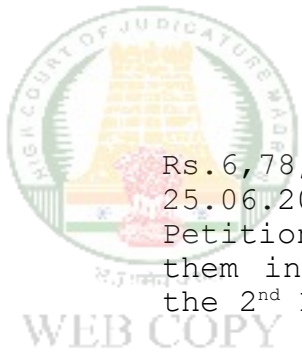
O R D E R

Petitioner has come up with this Writ Petition seeking to quash the proceedings dated 25.06.2019 passed by the 2nd Respondent herein and for a direction to the 2nd Respondent herein to adjust 343498 Units of electricity generated by the windmill owned by them against their power consumption in HTSC No.1711 as per the Agreement dated 24.03.2008 entered into between them and the Respondents, in respect of which, demand for a sum of Rs.30,02,981/- has been raised under the order impugned herein.

2. When the matter was taken up for hearing on 03.12.2021, this Court directed the 2nd Respondent herein to work out the issue by having a discussion with the Technical people of the Petitioner and file a Report before this Court on 15.12.2021. Today, the 2nd Respondent has filed a Report dated 15.12.2021 to the following effect:

"4. I respectfully submit that, as per the direction of the Hon'ble High Court of Madras, Petitioner's representative was invited to the 2nd Respondent's Office on 13.12.2021 and 14.12.2021 and the dues of either side was worked out in the presence of the Petitioner's representative. Upon reconciliation of accounts for the financial years from 2016-17 to 2018-19, the Petitioner has to pay an amount of Rs.6,78,143/- (Rupees Six Lakhs Seventy Eight Thousand One Hundred and Forty Three). The Petitioner has also satisfied and agreed with the calculations made by the Officials of the 2nd Respondent. At the time of issuing original Demand Notice, due to misplacement of one Wind Energy statement pertains to the financial year 2018-19 was not taken into account by the 2nd Respondent and now the same has been taken into account and hence the final amount payable by the Petitioner has been come down. A copy of the detailed workings has also been furnished to the Petitioner and the Petitioner has duly acknowledged its correctness. Abstract of workings is annexed."

3. In view of the settlement arrived at between the parties and as the Petitioner has agreed to pay a sum of



Rs.6,78,143/- to the Respondents, the impugned order dated 25.06.2019 passed by the 2nd Respondent herein is quashed. The Petitioner is directed to comply with the undertaking made by them in paragraph 4 of the Affidavit dated 15.12.2021 filed by the 2nd Respondent, at the earliest.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.19294 of 2019 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. Tamil Nadu Generation and Distribution Corporation Limited, Anna Salai, Chennai.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle (West),
Anna Nagar, Chennai 600 040.
3. The Additional Chief Engineer,
Coimbatore Electricity Distribution Circle (South),
Coimbatore - 641 102.

+1cc to Mr.M.Santhanaraman, Advocate, S.R.No.67013

W.P.No.19775 of 2019

EV(CO)
PM/20/01/2022