



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24449 of 2021

and

W.M.P.Nos. 25773, 25775, 25778 of 2021

SICGILSOL Gases Private Limited
HTSC No.069094440114
SF.No.29/1E, 29/2B2,
29/3, 29/4, 30/1E and 31/9A
Pudhukudy, Thanjavur
Rep. by its Authorized Signatory S.V.Venkatesan

...Petitioner

-vs-

1. The Chairman
Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO),
144 Anna Salai, Chennai-600 002.
2. Chief Financial Controller/Revenue
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer
Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Limited
TANGEDCO, Thanjavur.
4. Tamil Nadu Electricity Regulatory Commission
Through its Secretary
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

Prayer:

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified



Mandamus or any other writ, to call for the records of the 2nd respondent contained in impugned letter CFC/ FC/ DFC/ AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act 2003 and the orders of the TNERC.

For Petitioner : Mr. R.S.Pandiyaraj

For Respondents : Mr. Jaivenkatesh
Standing Counsel

O R D E R

This Writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent contained in impugned letter CFC/ FC/ DFC/ AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act 2003 and the orders of the TNERC.

2. Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondent and consequent demand of charge, the present writ petition is filed.

4. When a writ petition is filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the learned single Judge of this Court upheld and quashed the impugned order.

5. Aggrieved by that the respondent/TANGEDCO preferred an appeal and the same is pending before the Division Bench of this Court. The Division Bench, while admitting the appeal preferred by the respondent herein has directed to the third parties to pay 50% of demand made pursuant to the impugned notice.

6. It is submitted by the learned counsel for the petitioner as well as the respondent that the said Writ Appeal is pending.

7. In the light of the interim order passed by this Court on line with the interim order passed by the Division Bench, the petitioner has paid 50% of the deemed demand charges on 12.06.2019.



8. Recording the same, this Writ Petition is disposed of. With direction that the petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondent herein is allowed and he shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioner shall continue to pay 50% of deemed demand charges. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Skt

To

1. The Chairman
Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO),
144 Anna Salai, Chennai-600 002.
2. Chief Financial Controller/Revenue
TANGEDCO,
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TANGEDCO, Thanjavur.
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Through its Secretary
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Egmore, Chennai-600 008.

+1cc to Mr.R.S.Pandiayaraj, Advocate SR.No.59164

W.P.No.24449 of 2021

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KV(CO)
GN(13/12/2021)