



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25034 of 2021

And

W.M.P.No.26368 of 2021

Sam Turbo Industry Private Limited

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

2.Director Finance

Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

3.The Chief Financial Controller,

Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,

Palladam Electricity Distribution Circle,
Palladam - 642 126.

5.The Superintending Engineer,

Coimbatore Metro Electricity Distribution Circle,
Coimbatore - 641 012.

6.The Superintending Engineer,

Coimbatore South Electricity Distribution Circle,
Coimbatore - 641 012.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent and their men, agents not to collect current consumption charges, demand charges and any arrears from the petitioner until the Respondents make payment of the outstanding dues of Rs.86,92,987/- (Rupees Eighty Six Lakhs Ninety Two Thousand Nine



Hundred and Eighty Seven Only) payable to the Petitioner along with interest thereon at 1% per month payable from the time such payments became due or to give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.Abul Kalam
Standing Counsel for TNEB

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents and their men, agents not to collect current consumption charges, demand charges and any arrears from the petitioner until the respondents make payment of the outstanding dues of Rs.86,92,987/- (Rupees Eighty Six Lakhs Ninety Two Thousand Nine Hundred and Eighty Seven Only) payable to the petitioner along with interest thereon at 1% per month payable from the time such payments became due or to give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2.The case of the petitioner is that the petitioner is a company incorporated under the provisions of the Companies Act, 1956 and is engaged in the manufacturing of industrial pumps. The petitioner has windmills having combined installed capacity of 850 KW and has entered into various power purchase agreements with TANGEDCO for supply of power generated with HT SC numbers.

3.The petitioner has been raising invoices from time to time for the power sold by the petitioner to the respondent in terms of the provisions of the power purchase agreement between the parties. However, the respondents failed to make payments in time and such payments are due from the respondent TANGEDCO from February, 2018 to March, 2018 and December, 2020 till date. Apart from this, the respondent TANGEDCO has raised two invoices on the petitioner for the electricity consumed by it at two consumption points which are connected to the Coimbatore Metro EDC and Coimbatore South EDC. The substantial delay in making the payment by the respondents have caused severe difficulties for the petitioner in meeting their financial obligations towards Banks and Financial Institutions. Hence, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that the issue raised in this writ petition is no



longer res integra. Similar issue has already been settled by this Court in W.P.Nos.6776 of 2020 etc., batch (M/s.Rajaguru Spinning Mills P. Ltd., Vs. The Tamil Nadu Electricity Regulatory Commission) dated 28.10.2021, the relevant portion of which reads as follows:

"11. In view of the above, all these Writ Petitions are Disposed of with the following directions:-

(a) In all those cases where the TANGEDCO has acted upon the interim orders passed by this Court and the entire outstanding amounts due and payable has been adjusted, those writ petitions will be rendered infructuous since the grievance of those petitioners stands redressed;

(b) In those cases where the TANGEDCO is in the process of adjusting the outstanding amount due, such adjustment shall be continued till the entire outstanding amount is adjusted towards the current consumption charges / open access charges payable by the respective petitioners and

(c) The TANGEDCO shall not take any coercive steps to disconnect the electricity connection to the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/ open access charges payable by the petitioners."

5.In view of the above, this Court is inclined to extend the very same relief to this petitioner also. The respondent board is directed to adjust the pending payment towards the petitioner in future bills.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman
Tamil Nadu Generation and Distribution
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W.P.No.25034 of 2021
And
W.M.P.No.26368 of 2021

PMK(CO)
CB(01/02/2022)