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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.4785 OF 2017

AND

W.M.P.NOS.5024 & 5025 OF 2017

Sree Kandhaguru Spinning Mills (P) Ltd.,
HTSC.No.101, S.F.No.170, Sathy-Covai Road,
Pungampally Village, Valipalayam Post,
Sathyamangalam Taluk, Erode,
Rep. by its Authorised Signature,
L.Narendrakumar

... Petitioner

..Vs..

1. The Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary, 19-A,
Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Gobi Elec. Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Gobichettipalayam.

... Respondents

PRAYER:-

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 3rd respondent in his impugned demand Lr.No.SE/GEDC/DFC/F.HT101/D.No.002/2017 dated 06.02.2017 quash the same for the towards alleged short levy of Excess adjustment of third party power for the year 2012 to 2015 illegal, arbitrary and without the authority of law against the Section 56(2) of Electricity Act, 2003.



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For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of the 3rd respondent dated 06.02.2017 and to quash the same.

2. The learned counsel appearing for the petitioner would submit that the present subject matter is already adjudicated before the APTEL in DFR No.1584 of 2019. Therefore, the learned counsel for the petitioner would submit that this writ petition may be closed subject to the outcome of the order of the APTEL.

3. It is hereby, made clear by this Court that the order passed by the Appellate Tribunal will bind the petitioner herein, as well.

4. With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.



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

+1cc to Mr.M.Abulkalam, Standing Counsel for TNEB, S.R.No.62084
+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.62778

W.P.NO.4785 OF 2017 AND
W.M.P.NOS.5024 & 5025 OF 2017

RSV(CO)
PBS/14/12/2021