



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 28715 of 2019

and

W.M.P.Nos. 28462 28467 and 28468 of 2019

M/s. SL Lumax Limited,
Represented by its Authorised Signatory
Mr.A.Kumar, DGM. HR.
H.T.Sc.No. 099094110354
G-15, SIPCOT Industrial Complex,
Irrungattukottai,
Sriperumbudur-602 117. ... Petitioner

Versus

1. The Chairman and Managing Director
Tamil Nadu Generation And Distribution Corporation Limited
(TANGEDCO),
144 Anna Salai, Chennai-600 002.
2. The Chief Financial Controller/Revenue
TANGEDCO, (Accounts Branch)
144, Anna Salai, Chennai-600 002.
3. The Tamil Nadu Electricity Regulatory Commission
Represented by its Secretary
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.
4. The Superintending Engineer
Chengalpattu Electricity Distribution Circle,
TANGEDCO, Chengalpattu. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying issuance of Writ of Certiorari calling for the records of the 2nd respondent contained in the impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13, dated 29.07.2013 and for quashing the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.V.S. Sivasundaram

For Respondents: Mr. L. Jaivenkatesh
Standing Counsel



O R D E R

This Writ petition has been filed seeking for the issuance of Writ of Certiorari Mandamus, calling for the records of the 2nd respondent contained in the impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13, dated 29.07.2013 and for quashing 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 appearing for the petitioner as well as the learned counsel appearing for the respondents.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondents 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 the impugned order passed by the second respondent, the respondents/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 learned counsel for the respondents that the said Writ Appeal is pending before this court for consideration.

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 a 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-II)

//True copy//



To

WEB COPY

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

+1cc to Mr.V.S. Sivasundaram, Advocate SR.No.66256

W.P.No. 28715 of 2019

SSI (CO)
GMY (24/01/2022)