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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.2170 of 2017
and
W.M.P.No.2150 of 2017

V.B.Medicare (P) Ltd., HTSC No.296,
No.59, 61 Sipcot - II Stage,
Krishnagiri Road, Hosur,
Rep.by its Authorized Signatory S.Padmanaban

... Petitioner

..Vs..

1.Tamil Nadu Electricity Regulatory
Commission rep.by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.

2.The Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai - 600 002.
Rep.by its Chairman.

3.The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent in Letter Lr.No.SE/KEDC/DFC/AAO-HT/AS/RCS-HT/F.HT SC No.296/D.No.674/2017 dated 13.01.2017 towards levy of excess charges for exceeding evening peak hour quota during December, 2008 to July, 2009 and quash the same as arbitrary, illegal and against the order made in Appeal No.111 of 2010 batch cases dated 11.01.2011 issued by the Appellate Tribunal of Electricity New Delhi.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel



O R D E R

The petitioner has filed the above writ petition to issue a Writ of Certiorari, to call for the records of the 3rd respondent in Letter Lr.No.SE/KEDC/DFC/AAO-HT/AS/RCS-HT/F.HT SC No.296/D.No.674/2017 dated 13.01.2017 towards levy of excess charges for exceeding evening peak hour quota during December, 2008 to July, 2009 and quash the same as arbitrary, illegal and against the order made in Appeal No.111 of 2010 batch cases dated 11.01.2011 issued by the Appellate Tribunal of Electricity New Delhi.

2. When the Writ Petition is taken up for hearing, Mr.S.P.Parthasarathy, learned counsel appearing for petitioner submitted that in a similar Writ Petition in W.P.No.8688 of 2011 [Arunachalagounder Textile Mills v. Tamil Nadu Electricity Regulatory Commission and two others], this Court by order dated 26.08.2019, disposed of the Writ Petition for the reason that the issue involved in the Writ Petition is pending before the Hon'ble Supreme Court. Further, this Court granted an order of status quo as on that date subject to the outcome of the result in the appeal pending before the Hon'ble Supreme Court and also gave liberty to the parties to seek remedy in the manner known to law.

3. Mr.L.Jai Venkatesh, learned counsel appearing for the respondents submitted that similar order can be passed in the present Writ Petition.

4. The relevant portion of the order passed in W.P.No.8688 of 2011 reads as follows:-

" ... 3.In this regard, the Tamil Nadu Electricity Board approached the Hon'ble Supreme Court by filing Civil Appeal Nos.1090 1099 of 2011 and the Hon'ble Supreme Court vide order dated 04.02.2011 entertained the Civil Appeals against the judgment of the Appellate Tribunal. On a perusal of the interim order dated 04.02.2011, there is a direction to the appellant therein/Tamil Nadu Electricity Board to furnish Bank Guarantee of a Nationalized Bank in favour of the Registrar (Judicial) of the Hon'ble Supreme Court.

4. Since the issue involved in the present writ petition is pending before the Hon'ble Supreme Court at the instigation of the respondent W.P.No.8688 of 2011 herein/ Tamil Nadu Electricity Board, the writ petition is disposed



of directing the respondent to maintain status-quo as on date. Subject to the outcome of the Supreme Court order, the parties may seek remedy in the manner known to law."

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5. Since the issue is pending before the Hon'ble Supreme Court in Civil Appeal Nos.1090, 1099 of 2011, following the earlier order passed by this Court in W.P.No.8688 of 2011, the present Writ Petition is disposed of subject to the outcome of the appeal pending before the Hon'ble Supreme Court and thereafter, if aggrieved, the parties may seek remedy in the manner known to law. The respondents are directed to maintain status quo till the outcome of the appeal pending before the Hon'ble Supreme Court.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is 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 Ltd., (TANGEDCO)
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

+1cc to Mr.R.S Pandiyaraj, Advocate, S.R.No.59834
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.60156

W.P.No.2170 of 2017and
W.M.P.No.2150 of 2017

NRL(CO)
CT 07/12/2021