



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.27197 & 27198 of 2017

and

W.M.P.Nos.29063 to 29068 of 2017

Birin Spinning Mills Ltd., HTSC No.266,
S.F.No.5/148, Tirupur Road,
P.B.No.26, Avanashi,
Coimbatore - 641 654, Rep.by its
Authorized Signatory E.Selvan.

...Petitioner in W.P.No.27197/2017

Sri Jayajothi & Co.Ltd.. HTSC No.228,
70, Alagai Nagar, Rajapalayam - 17
by its Authorized Signatory B.Seenivasagam.

...Petitioner in W.P.No.27198/2017

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.

...R1 & R2 in both Wps.

3.The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle/South,
Coimbatore.

...R3 in WP.27197/17

4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

...R3 in WP.27198/17



5. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary

No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

...4th Respondent in both WPs.

WEB COPY

COMMON PRAYER: Writ Petitions filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorari, to call for the records of the second 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 Petitioners : Mr.S.P.Parthasarathy

For Respondents : Mr.Abdul Kalam
Standing Counsel for R1 to R3

...in both WPs.

COMMON ORDER

These writ petitions have been filed aggrieved by the withdrawal of the concession of the deemed demand charges extended to the petitioners by the respondents.

2.The similar issue involved in the present writ petitions was already considered by a learned single Judge of this Court and similar impugned orders were quashed by this Court. Aggrieved by the same, the respondents therein, have preferred writ appeals and the same are pending in W.A.Nos.2539 & 2540 of 2018.

3.The Division Bench while entertaining the writ appeals, directed the concerned parties to pay 50% of the demand made pursuant to the issuance of the impugned order. The relevant portion in the order passed by the Division Bench is extracted hereunder:

"6. This court has carefully considered the rival submissions and also perused the materials placed. In the light of the stand taken by the Tamilnadu Electricity Regulatory Commission in the counter affidavit in paragraph No.14 in W.P.No.28256 of 2014 etc., batch of writ petitions, coupled with the decision of



two weeks from the date of receipt of a copy of the said order, failing which the interim order will get automatically vacated. Pursuant to the same, the petitioners have also been paying the 50% deemed demand charges. Hence, the petitioners are directed to continue to pay 50% of the demand made towards the deemed demand charges till the writ appeals are disposed of by the Division Bench. It is also made clear that the payment made by the petitioners will be subject to the result of the writ appeals and petitioners shall abide by the final orders passed by the Division Bench while disposing of the writ appeals.

5. With this direction, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

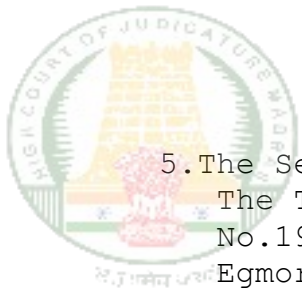
// True Copy //

Sub Assistant Registrar

Pns

To:

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,
TANGEDCO, Coimbatore Electricity Distribution
Circle/South,
Coimbatore.
4. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.



5.The Secretary,
The Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

WEB COPY

+2cc to Mr.R.S.Pandiyaraj, Advocate SR.No.59734

W.P.Nos.27197 & 27198 of 2017

BP (CO)
CB (20/12/2021)