



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.19439 of 2017
and
W.M.P.No.20964 of 2017

K.P.Textiles, HTSC No.234, 242
4/237 Caranampettai Post,
Near Sulur, Coimbatore District Repd.,
by its Authorized Signatory K.Vignesh

...Petitioner

..Vs..

- 1.Tamil Nadu Electricity Regulatory
Commission repd., 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,
144, Anna Salai, Chennai - 600 002.
- 3.Director Finance
Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
- 4.The Chief Financial Controller,
Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
- 5.The Superintending Engineering,
TANGEDCO, Coimbatore Electricity
Distribution Circle/Metro,
Coimbatore.



6.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.2,72,83,023/- (for the year of 2012-2013) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Abdul Kalam
Standing Counsel

O R D E R

This Writ Petition has been filed praying to issue a Writ of Mandamus, to forbear the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.2,72,83,023/- (for the year of 2012-2013) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. The Petitioner, in this writ petition, is the owner of the Wind Mill, which is generating the electricity and selling it to the Respondent Board and for the purpose of captive consumption for their spinning mills and the excess amount of energy generated was transmitted to the TANGEDCO and in turn the Electricity Board used to utilize the excess electricity.

3. The grievance of the petitioner is that though they have transmitted excess electricity to the TANGEDCO over a period of 5 years, they have not made any payment. The petitioner has made a request to make adjustment in some cases where the Electricity Board has raised bills against the petitioner. In the event of less amount of electricity was generated by the petitioner's Wind Mill, the electricity was supplied by the TANGDECO.



4. Now it is the contention of the learned counsel appearing for the petitioner that the amount due to the petitioner may be adjusted by the Electricity Department against the outstanding dues payable by the petitioner to the TANGEDCO, which request was not acceded to. Therefore, the petitioner is constrained to move the present writ petition.

5. It is brought to the knowledge of this Court that pursuant to the interim orders passed by this Court in similar Writ Petitions, the respondent TANGEDCO have adjusted the said amount towards the dues payable by the petitioner. Therefore, the learned counsel for the petitioner submits that no further orders are necessary and the matter has become infructuous.

6. Though this matter has become infructuous, this Court like to state certain things, that whenever excess electricity is generated by the petitioner, the same has to be transmitted to the EB Department in such cases, the Board has to necessarily for such excess electricity transmitted make payment in time failing which, the same shall be treated as a commercial dealing and they are liable to pay interest at 12% p.a. for the period where the outstanding due is more than 60 days, unless both the parties agreed otherwise. Further the TANGEDCO shall adjust the amount due and payable to the petitioner against the arrears of EB charges payable to the respondent. Hereinafter, the TANGEDCO shall follow this order in letter and spirit in future without driving the parties to approach this Court, any more.

7. With the above, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//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.



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2.The Chairman,
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Tamil Nadu Generation and
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5.The Superintending Engineering,
TANGEDCO, Coimbatore Electricity
Distribution Circle/Metro,
Coimbatore.

6.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.58429

W.P.No.19439 of 2017

KV(CO)
GN(20/12/2021)