



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 10840 of 2011 and

M.P. (MD) No. 1 of 2011

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Vee Bee Yarn Tex Private Limited,
1109-E, Srivilliputtur Road,
Rajapalayam - 626 117,
Rep. by its Manager,
R.Mohunraj

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.800, Anna Salai, Chennai - 600 002.

2. The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent in his bill No.192 dated 02.09.2011 in so far as the excess levy of penalty of Rs.139,690.20 under serial No.13(f) quash the same as arbitrary, unlawful and against the circular memo dated 20.06.2011 issued by the first respondent.

For Petitioner	: Mr.R.S.Pandiyaraj
For Respondents	: Mr.E.P.Venkateshwar, for Mr.S.M.S.Johny Basha, Standing Counsel.

O R D E R

Heard the learned counsel on either side.

2. The petitioner challenges levy of evening peak energy and demand penalty under Clause 13(f) of the impugned bill.

3. There is no dispute that when the similar issue was raised in I.A.No.736 of 2019 in D.F.R.No.1584 of 2019, the Appellate Tribunal for Electricity vide order dated 24.07.2019 had passed an interim order to the effect that no coercive steps shall be taken. Such order appears to be in force as on date.

4. Therefore, the impugned demand is quashed and this writ

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petition is allowed. It is open to the respondents to revive their demand in the event of they are succeeding before the Appellate Tribunal for Electricity(APTEL). No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

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Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.800, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Madurai.

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