



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 13156 of 2011 andM.P. (MD) Nos. 2 & 3 of 2011

WEB COPY

M/s.V.V.D. and Sons Private Limited,
Rep. by its Director,
182, Palayamkottai Road,
Tuticorin - 628 003.

... Petitioner

Vs.

1. Tamil Nadu Electricity Board (TNEB),
Rep. by its Chairman,
144, Anna Salai, Chennai - 600 002.

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

3. The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Tuticorin.

4. Tamil Nadu Electricity
Regulatory Commission (TNERC),
Rep. by its Secretary,
19-A, Rukmini Lakshmi Pathy Salai,
Marshall's Road, Egmore, Chennai - 600 008.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, calling for the records of the third respondent culminating in his impugned proceedings bearing Lr.No.32/SE/TEDC/TTN/AO/ Rev/A1/ F.A.S.No.35&37 dated 08.09.2011 quash the same and further direct respondents 1 to 3 not to claim any excess demand and/or excess energy charges from the petitioner without obtaining prior sanction from the fourth respondent.

For Petitioner : Mr. Arun Anbumani,
for Mr. S. Srinivasa Raghavan.

For R-1 to R-3 : Mrs. M. Parameswari,
for Mr. S. M. S. Johny Basha.

For R-4 : No appearance.

**ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for respondents 1 to 3.

2. The petitioner apart from using the power supplied by the TANGEDCO, also used the power generated by its wind mill. The petitioner felt aggrieved by the withdrawal of the optimum demand concept that was originally in place. The petitioner and the similarly placed consumers moved the Tamil Nadu Electricity Regulatory Commission which set aside the withdrawal of the notification issued by the Tamil Nadu Electricity Board. This order passed by the Regulatory Commission appears to have been confirmed by the High Court in collateral proceedings.

3. The Superintending Engineer, Tuticorin Electricity Distribution Circle, Tuticorin, has sent a communication to the petitioner vide letter dated 30.07.2020 informing him that they had already withdrawn the impugned demand. In fact the official regrets that the petitioner has not withdrawn the present writ petition.

4. In view of the stand now taken by respondents 1 to 3, the cause of action no longer survives. Recording the stand taken by the third respondent vide letter dated 30.07.2020, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// 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 Chairman,
Tamil Nadu Electricity Board (TNEB),
144, Anna Salai, Chennai - 600 002.



2.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO),
144, Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO), Tuticorin.

4.The Secretary,
Tamil Nadu Electricity
Regulatory Commission(TNERC),
19-A, Rukmini Lakshmipathy Salai,
Marshall's Road, Egmore, Chennai - 600 008.

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate (SR-3646[F] dated
08/02/2021)

W.P. (MD) No.13156 of 2011

04.02.2021

(KM)
KV(16.02.2021) 3P 6C