



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21995 of 2021

M/s.Shri Mookambika Spinning Mills Private Ltd.,
Represented by its Managing Director,
Mr.E.O.Sathiesh Kumar

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

2. The Chief Engineer,
Non Conventional Energy Sources,
TANGEDCO, 2nd Floor, 144, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul, Dindigul District.

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

5. The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni, Theni District.

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

7. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO, Nagercoil.

8. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukamani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second and third respondents to give the adjustment of the excessively collected banking charge of Rs.16,98,154/- (period from 01.08.2012 to 31.03.2016) based on the working instruction issued by the first respondent dated 03.10.2017 in the matter of implementation of the order of the TNERC, Chennai, 8th respondent, herein issued in RA No.6 of 2013 dated 31.03.2016.



For Petitioner : Mr.N.Sudalaimuthu
For R-1 to R-7 : Mrs.M.Rajeswari,
For SMS.Johnny Basha,
Standing Counsel
Additional Government Pleader

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ORDER

Let me not enter into a detailed discussion on the issues raised, since, it is stated that according to the petitioner, the respondents had charged excess amount and had failed to adjust the excess amount in the subsequent current consumption charges.

2.It is stated that this non adjustment is in direct violation of the orders of this Court and also of the Rules of Tamil Nadu Electricity Regulation Commission. There had been a direction in similar matters that the respondents must refund the excess amount, in accordance with the clause 12(2) of the Tamil Nadu Electricity Supply Code, 2014.

3.Learned counsel, Mrs.Rajeswari who had taken notice on behalf of respondents 1 to 7 stated that the said process is under way and on completion, if it is found that the respondents had actually charged excess amount and had thereafter failed to adjust the same in the consumption charges of the petitioner, then, the said refund would be automatically ordered. In view of the said statement, the Writ Petition is allowed. If charges have not been adjusted with the subsequent electricity consumption charges of the petitioner, the respondents are directed to refund additional amounts.

4.It is primarily a question of fact and that fact will have to be determined through due process of law. It is expected that such process would be completed within a reasonable period of time and a direction is given to complete the said process within a period of six (6) weeks from the date of receipt of a copy of this order.

5.With the above observations, this Writ Petition stands allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

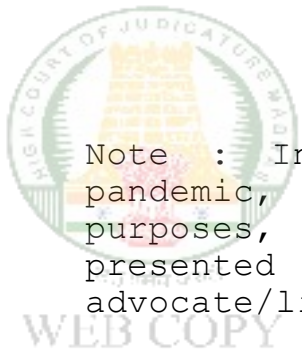
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Sub Assistant Registrar(CS)

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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

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+1 CC to M/s.N.SUDALAIMUTHU, Advocate (SR-40119[F] dated
23/12/2021)

W.P. (MD) .No.21995 of 2021

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USK (31.12.2021) 3P 10C