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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.1578, 1598, 1608 & 1611 of 2022
&
WMP.Nos.1701, 1737, 1746 & 1753 of 2022

VSM Weavess India (P) Limited,
HTSC NO.0277,
SF.No.334, Ssnkari Main Road,
E.Kattur, Elanthakuttai Post,
Near Pallipalayam Erode - 638008,
Rep. by its authorized signatory
K.Loganathan

... Petitioner in W.P.No.1578 of 2022

Ultra Spinners India Pvt Ltd, HTSC 219,
No.7(2)/3B, Toplight Buildings,
Palladam Road, Tirupur - 641604,
Rep. by its authorized signatory
S.Paramasivam

... Petitioner in W.P.No.1598 of 2022

Top Light Labels, HTSC 096
SF No.282/8, 10, 11, 9(P),
Karaipudur Village, Palladam(T.K),
Tirupur, Rep. by its authorized signatory
S.Paramasivam

... Petitioner in W.P.No.1608 of 2022

M/s.Raju and Co.
N.50-A, Ramaya Colony, 1st Street,
P.N.Road, Tirupur - 641602,
rep. by its authorized signatory
S.Paramasivam

... Petitioner in W.P.No.1611 of 2022

Vs.

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



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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 Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur.
5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

... Respondents in W.P.No.1578 of 2022

1. Tamil Nadu Electricity Regulatory Commission
Rep. 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 Superintending Engineer,
TANGEDCO,
Tiruppur Electricity Distribution Circle,
Tiruppur.
5. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.



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

... Respondents in W.P.No.1598 of 2022

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1. Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary,
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Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tiruppur Electricity Distribution Circle,
Tiruppur.
5. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

... Respondents in W.P.No.1608 of 2022

1. Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
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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 Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

... Respondents in W.P.No.1611 of 2022

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Prayer in W.P.No.1578 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.3,60,657/- (for the year of 2019-20) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.1598 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.8,78,252/- (for the year of 2019-20) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.1608 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.1,42,077/- (for the year of 2019-20) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.1611 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd and 4th respondents to forthwith make payment of Rs.23,41,439/- which according to the petitioner is due and payable for the Wind Energy generated and supplied by the petitioner to the respondents from 2020 to 2021 and further direct the respondents to pay interest @ 1% per month for any delay in settlement of invoices beyond the period of 30 days from the date of invoice.

(For all the W.P.'s)

For Petitioner

: Mr.R.S.Pandidyraj



For Respondents No.2 to 4 : Mr.Abul Kalam,
Standing Counsel

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C O M M O N O R D E R

Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward.

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.



7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel would request the Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.

8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.

9. As far as W.P.No.1611 of 2022 is concerned, the amount outstanding is admittedly, a sum of Rs.23,41,439/-. As the petitioner states that it sells the entire electricity generated to the respondent, the question of captive consumption, and consequently, adjustment against CC charges, does not arise.

10. In light of the above, W.P.No.1611 of 2022 is disposed directing TANGEDCO, to settle the outstanding amount within a period of 12 weeks from today. No costs. Connected Miscellaneous Petitions are closed.

11. List these writ petitions along with W.P.Nos.6776 of 2018 etc. batch on 25.02.2022 under the caption 'for filing final report' to decide on the question of interest payable on delayed payments.

Sd/-
Assistant Registrar(CCC)

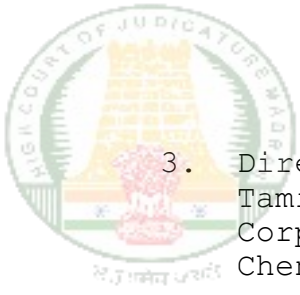
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Sub Assistant Registrar

sl/kbs

To

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TANGEDCO,
Tiruppur Electricity Distribution Circle,
Tiruppur.
7. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.
8. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
9. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+4ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.Nos.8115, 8116

+1cc to Mr.M.Abulkalam, Advocate, S.R.No.8076

W.P. Nos.1578, 1598, 1608 & 1611 of 2022 &
WMP.Nos.1701, 1737, 1746 & 1753 of 2022

JPL (CO)
SU (15/02/2022)