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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.15299 of 2015
and M.P.Nos. 1 and 2 of 2015

M/s.Elljay Textiles Private Limited, HT SC No.90,
represented by its Managing Director,
Mr.J.Thulasidharan,
Singampuneri P.O, Singampuneri-630 502. ...Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory Commission(TNERC),
represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai (Marshall's Road),
Egmore, Chennai-600 008.
- 2.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.
- 3.The Director/Distribution,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 4.The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation limited (TANGEDCO),
Sivagangai. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent culminating in the impugned proceedings bearing Lr.No.SE/SEDC/SVGA/DFC/HT/AS/F.Ht/SC No.90/D.237/15 dt 6.5.2015 issued for the Petitioners HT SC No.90 demanding unpaid evening peak hour penalty charges amounting to Rs.17 19 092/- issued pursuant to the 3rd respondents Lr. No. CFC/ FC/DFC/AAO.HT/AS.3/D.NO.123/13 dt 24.8.2013 quash the same as illegal arbitrary without jurisdiction and authority of law



and forbear the 2nd 3rd and 4th respondents from in any manner levying demanding and/or collecting evening peak hour penalty charges from the petitioner for their HT SC No.90 as the said issue is pending consideration before the 1st respondent in M.P. Nos.17 to 26 of 2013 and connected batch of cases pursuant to the Order dated 04.01.2013 passed by this Court in W.P.No.28429 of 2012 and connected batch of cases.

For Petitioner : Mr.Arun Anbumani

For Respondents: Mr.Abul Kalam
SC for TANGEDCO

O R D E R

This Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent culminating in the impugned proceedings bearing Lr.No.SE/SEDC/SVGA/DFC/HT/AS/F.Ht/SC No.90/D.237/15 dt 6.5.2015.

2. The learned counsel for the petitioner and the respondents in unison submitted that the issue raised in the present writ petition stands covered by the judgment of this Court in W.P.No.4381 of 2012 dated 17.12.2021, wherein it was observed as under:

"2. The learned counsel appearing for the petitioner would submit that when the similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission and others in I.A.No.736 of 2019 in D.F.R.No.1584 of 2019, the Appellate Tribunal for Electricity by order dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3. In view of the fact that an interim order dated 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar issue as that of the petitioner, the writ petition is disposed of. No coercive steps will be taken against the petitioner till the orders are passed by the respondents. "

3. In view of the same, the present writ petition is disposed of on the above terms. No coercive steps will be taken against the petitioner till the orders are passed by the



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respondents herein. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

Psa

To:

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission (TNERC),
19-A, Rukmini Lakshmipathy Salai (Marshall's Road),
Egmore, Chennai-600 008.
- 2.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 3.The Director/ Distribution,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 4.The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation limited (TANGEDCO), Sivagangai.

W.P. No.15299 of 2015

SJ (CO)
GMY (30/06/2022)