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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.16668 of 2012

And

MP Nos.2 and 3 of 2012

Shasun Chemicals and Drugs Limited,
HT SC No.94,
Kudikadu,
Cuddalore - 607 005
Represented by its Company Secretary

.. Petitioner

vs.

1. TANGEDCO Limited,
Represented by its Chairman and Managing
Director,
144, Anna Salai,
Chennai - 600 002.
2. Assistant Audit Officer,
AP/VPM/BOAB/TANGEDCO,
Villupuram.
3. The Superintending Engineer,
TANGEDCO,
Cuddalore Electricity Distribution Circle,
Cuddalore - 607 004.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records comprised in Lr.No.SE/CEDC/Cud/DFC/AO/R/AS/RCS/A4/F. Audit/11/ D. No.38 dated 16.08.2011 and the consequent demand notice in Lr.No.SE/CEDC/Cud/DFC/AO/R/AS/RCS/A4/F. Audit/12 dated 08.03.2012 issued by the third respondent and quash the same as being arbitrary and illegal.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.



O R D E R

The issues raised in the present writ petition are no more res integra and already decided by the TNERC in D.R.P.No.13 of 2010 dated 14.03.2011. The review filed by the Electricity Board was also rejected on 15.11.2011 and the findings of the Commission reads as under:-

".....

5. Findings of the Commission:- The TNEB, in their letter dated 27.6.2010 communicated to the Petitioner that the demand quota for the month of July 2010 would be 1182 KVA and the energy quota 6,29,499 units. The bill of the TNEB for the month of July 2010 indicates that the maximum recorded demand is 1159 KVA and the energy consumed is 6,38,624 units, excess being 9125 units. The bill of TNEB for July 2010 indicated an excess demand charges of Rs.67,381/- and excess energy charges of Rs.3,11,772. The excess energy charges have been levied for 35,700 units as against 9125 units. The TNEB is estopped from going back on the demand and energy quota communicated in advance. We have no hesitation in setting aside the excess demand charges and excess energy charges other than the actual excess of 9125 units. The balance may be refunded by the TNEB to the consumer/generator. The Learned Counsel for TNEB states that it has refunded to the consumer the excess amount in respect of excess energy consumption.

6. Direction:- In view of the findings in para 5 above, the impugned Letter No.SE/TEDC/TNI/DFC/AS/HT/Asst/F.PC/D.No.395/10, dated 06.09.2010 of the Second Respondent is set aside. The Respondents are directed to refund the amount of excess charges collected from the Petitioner for the month of July 2010 after recalculating the excess charges as per para 5 of this order and adjusting the amount already refunded by way of adjustment.'

2. In view of the above directions, the case of the petitioner is also to be considered. Accordingly, the impugned orders are set aside and the benefits extended in the order cited supra stands extended to the petitioner also. The writ



petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1. TANGEDCO Limited,
The Chairman and Managing Director,
144, Anna Salai,
Chennai - 600 002.
2. Assistant Audit Officer,
AP/VPM/BOAB/TANGEDCO,
Villupuram.
3. The Superintending Engineer,
TANGEDCO,
Cuddalore Electricity Distribution Circle,
Cuddalore - 607 004.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.4949

WP 16668 of 2012

PMK(CO)
SU(09/02/2022)