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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.841 and 842 of 2009
and M.P.No.1 of 2009

M/s.HI-Tech Mineral Industries Covai (P) Ltd.,
S.F.No.46, Kottagoundenpatty Village,
Omalaar Taluk, Salem District - 636 304,
Rep. by its Managing Director,
P.Venkittapathy. ... Petitioner in both W.Ps.

Vs.

1. The Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmani Lakshmipathy Salai,
(Marchall's Road), Egmore,
Chennai - 600 008.
2. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
K.N.Colony (P.O),
Salem - 626 014. ... Respondents
in both W.Ps.

COMMON PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the third respondent in Bill Nos.128 and 248, respectively, dated 30.12.2008 and quash that portion of the amounts shown in items 13(a) and 15 namely extra levy for exceeding limits at Rs.7/- and Add/Less Adjustment charges as illegal, arbitrary and against the orders of the first respondent in Miscellaneous Petition No.42 of 2008 dated 28.11.2008.



For Petitioner
in both W.Ps.

: No appearance

For Respondents
in both W.Ps.

: M/s.Abdul Kalam

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C O M M O N O R D E R

The petitioner challenges the extra levy of charges for exceeding limits of working hours. According to him, he was granted permission to avail quota of 18 days in a month from 11th to 28th. Though the petitioner has not exceeded the permitted quota, they worked from 7.00 p.m on 29.11.2008 to 8.00 a.m on 30.11.2008 to complete 18 days quota. Therefore, it is the contention of the petitioner that since they have not exceeded the quota, working on one extra day will not entitle the respondent to impose extra levy.

2. The learned counsel for the respondent would submit that the issue with regard to usage of this power within permitted period and with regard to permitted quota will fall under Rule 38 of Tamil Nadu Electricity Distribution Code and the matter has to be agitated before the Regulatory Commission, which is the competent body to try this issue. The petitioner has approached this Court, without exhausting the efficacious remedy available before the Regulatory.

Considering the submissions made, these Writ Petitions are disposed of with a direction to the petitioner to approach the Electricity Regulatory Commission. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

SD/-

ASSISTANT REGISTRAR

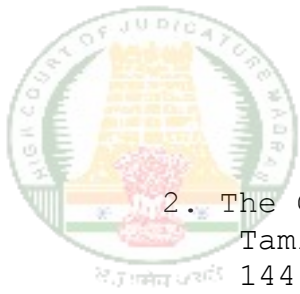
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SUB ASSISTANT REGISTRAR

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To

1. The Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmani Lakshmipathy Salai,
(Marchall's Road), Egmore,
Chennai - 600 008.



2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
K.N.Colony (P.O), Salem - 626 014.

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srg 12/04/2022