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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.23409 OF 2011
AND M.P.NOD.1 TO 3 OF 2013

Indo Shell Automotive Systems India Pvt. Ltd.,
Rep. by its Manager Projects,
SF No.2/25 B, A, Seerapalayam,
Pollachi Main Road, Coimbatore.

...Petitioner

Vs.

1.The TANGEDCO,
Rep. by its Chairman-cum-Managing Director,
144, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer, TANGEDCO,
CEDC/South, Tatabad,
Coimbatore - 12.

...Respondents

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 second respondent in impugned order in Lr.No.SE/CEDC/S/AO/Rev/AS/F.BOAD Court Case/D 10/11, dated 06.09.2011 and quash the same as arbitrary and illegal.

For Petitioner : M/s.Rahul Balaji

For Respondents : M/s.Abdul Kalam
Standing Counsel

O R D E R

The learned counsel for both the parties submit that the issue involved in this Writ Petition is squarely covered by the order of this Court in W.P.No.No.26943 of 2011, dated 29.11.2021, which reads as follows:-

"The issues raised in the present writ petition are no more resintegra 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:-



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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. No costs. Consequently, connected miscellaneous petition is closed."

2. In view of the order passed in the above Writ Petition, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The Chairman-cum-Managing Director,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer, TANGEDCO,
CEDC/South, Tatabad,
Coimbatore - 12.

+lcc to M/s.R.Parthasarathy, Advocate Sr.No.11176

W.P.No.23409 of 2011
and M.P.Nod.1 to 3 of 2013

SRA(CO)
RVM(02/03/2022)