



WEB COPY



W.P.No.24579 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.24579 of 2010

M/s. Madura Coats Private Limited,
Rep. By its Manager, Excise & Legal,
Mr.M.Ramasubramanian
New Jail Road, Madurai – 625 001.

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board.
Chennai – 600 002.
2.Arkey Energy (Rameswaram) Limited,
New No.20, Old No.29,
Chamiers Road, Nandanam,
Chennai – 6000 0035.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to give the petitioner credit for 23.73 lakhs unit or such other units as may be supplied and allocated by the 2nd respondent, from time to time.

For Petitioner : Mr.P.R.Raman, Senior Counsel
for Ms.S.P.Arthi

For Respondents : Mr.S.Madhusudanan, [for R1]
Standing Counsel
Mr.Varun Venkatesan [for R2]
for Mr.Anirudh Krishnan



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ORDER

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Heard Mr.P.R.Raman, learned Senior Counsel for Ms.S.P.Arthi, learned counsel on record for the petitioner, Mr.S.Madhusudanan, learned Standing Counsel for R1 and Mr.Varun Venkatesan, learned counsel for Mr.Anirudh Krishnan, learned counsel for R2.

2. The petitioner seeks a mandamus directing the Tamil Nadu Electricity Board/R1 to give it credit in respect of 23.73 lakhs units or such other units as may be supplied and allocated by the 2nd respondent from time to time to it. *Inter alia*, it refers to an power supply agreement entered into by it with R2, a captive power plant (CPP) on 24.01.2010.

3. Both R1 & R2 have filed counters, making it abundantly clear that R2 is a captive generator and R2 would aver that it and has effected supplies to the petitioner. R1 also confirms in the counter filed that there was no allegation received by the Tamil Nadu Electricity Board from the concerned Officers in Ramnad in regard to any excess drawal by the petitioner.

4. At paragraph 8 of the counter, R1 alleges that R2, without issuing any allotment to the authorities in Ramnad, or specifying the quantum of electricity for adjustment with its captive user, has furnished a statement directly to its captive user/the petitioner, as if such allotment has been made.



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5. There appears to be a factual error, prima facie, in the above allegation in so far as R2 has, vide communication dated 20.09.2010, brought to the notice of the Superintendent Engineer of Ramnad Electricity Distribution Circle, the details of supply effected to several HT consumers, including the petitioner herein. Serial no.14 of annexure to letter dated 20.09.2010 reflects the name of the petitioner herein.

6. Credit has been denied, based on the factual matrix as noted above. The petitioner has issued a legal notice to R1 seeking the same relief as sought for in this writ petition, and hence, specifically for the reason that the consideration of the prayer of the petitioner, will entail an examination of several facts, it is best that the parties appear before R1 and R1 be directed to pass orders upon its claim.

7. Accordingly and to facilitate this process, the date of hearing is fixed as 22.12.2022 at 10.30 a.m., before the Executive Engineer, Ramnad Electricity Distribution Circle, Tamil Nadu Electricity Board, Ramanathapuram, which is stated to be the appropriate authority to consider the request of the petitioner. The authority will hear the parties and pass orders within a period of four (4) weeks from date of the hearing i.e.,



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22.12.2022. No notice need be issued in this regard as both petitioner and R2 are represented before me.

8. With the above directions, this Writ petition is disposed. No costs.

13.12.2022

mpl

Index : Yes/No

Speaking Order/Non speaking Order

To

1.The Chairman,
Tamil Nadu Electricity Board.
Chennai – 600 002.



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DR.ANITA SUMANTH,J.
mpl

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