



WEB COPY



Writ Petition No.15373 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.15373 of 2016

a n d

W.M.P.No.13397 of 2016

Thanjavur Spinning Mill Limited
rep. By its Authorised Signatory
Regd Off: Rajapalayam Mills Premises
PAC Ramasamy Raja Salai
Rajapalayam 626 117

Having Mill at
Vallam One Road
Thanjavur 613 005.

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Petitioner

Vs

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited
144 Anna Salai
Chennai 600 002.
2. The Chief Financial Controller/Revenue
Tamil Nadu Generation and Distribution
Corporation Limited
144 Anna Salai
Chennai 600 002.
3. The Superintending Engineer
Thanjavur Electricity Distribution Circle
1 Vallam Road
Thanjavur 613 007.



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4. Tamil Nadu Electricity Regulatory Commission

rep. By its Secretary

19 A Rukmini Lakshmipathy Salai, Egmore
Chennai 600 008.

5. The Chairman

Tamil Nadu Electricity Board

144 Anna Salai

Chennai 600 002.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent contained in impugned Letter No.CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29/7/2013 and Memo No.CFC/REV/FC/REV/AS.3/D.No.219/15 dated 14/9/2015 and the consequent impugned letter of the third respondent in Lr.SE/TEDC/TIR/DFC/AO/R/RCS/AS/A1/F.11/D.551/2015 dated 28/11/2015 and quash the same in so far as it relates to the deduction of an amount of Rs.7,57,719/- towards deemed demand benefit as being arbitrary and illegal and contrary to the provisions of the Electricity Act, 2003 and consequently, direct the respondents 1 to 3 to refund the entire amount of Rs.17,57,855/- that has so far accrued to the petitioner on account of withdrawal of the deemed demand benefit to the petitioner's HT SC 11 between the period of February, 2013 and September 2014 together with interest at such rate as may be decided by this Court.

For Petitioner

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Ms.Simran Srinivasan
for Mr.R.Parthasarathy



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For respondents

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Mr.D.B.R.Prabhu
Standing Counsel

ORDER

It is not in dispute that the controversy in the writ petition is the subject matter of Writ Appeals in W.A.Nos.2539 and 2540 of 2018, which are said to be pending.

2. In the interregnum, pursuant to the interim arrangement arrived at by the Hon'ble Division Bench in its order, dated 19/11/2018, W.P.(MD) Nos.9253 to 9255 of 2014, etc., batch has been disposed of on 5/2/2020 with the following directions:-

“5. In the interest of uniformity and consistency, the following directions are passed in the matter as well -

(i). The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the writ appeal.



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(ii). The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii). Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondent in the writ appeals succeed, subject to the orders/observations of the Division Bench.

(iv). It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.”

3. The learned counsel appearing for the parties had not disputed the above factual position. Hence, the instant writ petition is disposed of on the same lines. No costs. Consequently, the connected Miscellaneous Petition is closed.

28/11/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To



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