

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.4253 & 4258 of 2022 &
WMP.Nos.4394 & 4400 of 2022

M/s.Swamy Palani Andavar Spinners(I) P.Ltd.,
HTSC No.039094390402,
S.F.No.1566/3A, Mulanur Road,
Vellakovil-11, Kangayam, Tiruppur,
Rep. by its Authorized Signatory
Anbazhagan Karuppaiah

... Petitioner in W.P.No.4253 of 2022

Sunrise Knitting Mills (P) Ltd,
HTSC NO.049094360142,
S.F.No.131,132, 137, Gobipalayam Road,
Alukkuli (Post), Gobichettipalayam-638453,
Erode District.
Rep. by its authorized signatory
R.Palraj

... Petitioner in W.P.No.4258 of 2022

Vs

1.Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary, 19-A, Rukmini
Lakshmipathy Salai, (Marshall's Road),
Egmore, Chennai – 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,

Chennai – 600 002.

3. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
5. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
6. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

... Respondents in W.P.No.4253 of 2022

1. Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary, 19-A, Rukmini
Lakshmipathy Salai, (Marshall's Road),
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai – 600 002.
3. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai – 600 002.

4.The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution Circle,
Gobichettipalayam.

5.The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

... Respondents in W.P.No.4258 of 2022

PRAYER in W.P.No.4253 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.21,25,025/-(for the year of 2016-17 and 2019-20) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

PRAYER in W.P.No.4258 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.58,62,217/- (for the period from May, 2021 to July, 2021 payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted further direct the respondents to pay interest @ 1% per month for any delay in

settlement of invoices beyond the period of 60 days from the date of invoice.

(For both W.P.'s)

For Petitioners : Mr.R.S.Pandiyaraj

For Respondents : Mr.Abul kalam, Standing Counsel

ORDER

Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioner in both Writ Petitions seek a Writ of Mandamus directing the respondents (TANGEDCO) to make payments of a sum of Rs.21,25,025/- (for the year of 2016-17 and 2019-2020) (W.P.No.4253 of 2022), and Rs.58,62,217/- (for the period from May 2021 to July 2021) along with the interest towards delayed payments or adjust the same as against the current consumption charges payable by the petitioners.

3. I have had occasion to consider the similar issue in W.P.Nos.1578 of 2022 and batch and referring to earlier orders passed by this Court in

W.P.No.6776 of 2020 and 27559 & 27564 of 2021 dated 28.10.2021 and 22.12.2021 respectively, have passed the following order:

Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward.

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.

7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel would request the Court to pass final orders

in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.

8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.

4. Mr.Kalam, concurs on the complete identity between the facts and legal position as obtained in the present writ petitions and the Writ Petitions referred to above. Thus, the same order passed on 07.02.2022 is taken to be passed in these writ petitions as well.

5. These writ petitions are disposed in terms of orders dated 07.02.2022 passed in W.P.No.1578 of 2022 and batch, as extracted supra, granting the mandamus as sought for. No costs. Connected Miscellaneous Petitions are closed.

6. List these Writ Petitions along with W.P.No.6776 of 2020 and batch on 14.03.2022 awaiting final report. It is made clear that atleast a draft report should be circulated and last opportunity is granted to the respondents in this regard.

28.02.2022

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Index : Yes
Internet : Yes
Speaking Order

To

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