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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NOS.3938, 3947, 3951, 3954, 4494, 4502,
4507, 4509, 4512, 11685, 11688, 11690, 11700,
11705, 11707, 11710, 11711, 11855, 11858,
11881, 19152 AND 19327 OF 2020

AND

W.M.P.NOS.4675, 4676, 4682, 4683, 4690, 4691,
4695, 4696, 5336, 5338, 5344, 5346, 5349, 5351,
5354, 5353, 5358, 5357, 14342, 14344, 14345, 14347,
14349, 14350, 14352, 14354, 14355, 14374 TO 14376,
14385 TO 14390, 14392, 14394 TO 14398, 14565,
14568, 14569, 14573 TO 14575, 14594, 14597,
14598, 23724, 23726, 23727, 23918,
23921 AND 23924 OF 2020

SRI HARIKRISHNA PAPERS (P) LTD.,
S.F.NO.424/1C1, NALLUR VILLAGE,
PUSHPATHUR POST, PALANI,
DINDIGUL - 624 618,
REPD. BY AUTHORIZED SIGNATORY,
M.NARAYANASAMY.

... Petitioner in
W.P.No.3938 of 2020

G.V.G. PAPER MILLS (P) LIMITED,
HTSC NO.061,
168/2, SIKANDAR BASHA STREET,
GANDIHAGAR, UDUMALPET - 642 154,
REPD. BY AUTHORIZED SIGNATORY,
M.NARAYANSAMY.

... Petitioner in
W.P.No.3947 of 2020

SRI HARIKRISHNA PAPERS (P) LIMITED,
HTSC NO.089, NALLUR VILLAGE,
PUSHPATHUR POPALANIT,
PALANI, DINDIGUL - 624 618,
REPD. BY AUTHORIZED SIGNATORY,
M.NARAYANASAMY.

... Petitioner in
W.P.No.3951 of 2020



G.V.G. PAPER MILLS (P) LIMITED,
UNIT - II, HTSC NO.185,
NALLUR PUSHPATHUR VILLAGE,
PALANI TALUK, DINDIGUL DISTRICT,
REPD. BY AUTHORIZED SIGNATORY,
M.NARAYANASAMY.

... Petitioner in
W.P.No.3954 of 2020

G.V.G. KRAFT (PVT) LIMITED,
HTSC NO.314,
168/2, SIKANDAR BASHA STREET,
GANDIHAGAR, UDUMALPET - 642 154,
REP. BY AUTHORIZED SIGNATORY,
M.NARAYANASAMY.

... Petitioner in
W.P.No.4494 of 2020

G.V.G. INDUSTRIES (PVT) LIMITED,
HTSC NO.038, SEMMADAIPATTY,
PALAKANUTHU POST, DINDIGUL TALUK,
ANJUKULIPATTY, DINDIGUL,
REP. BY VICE PRESIDENT,
V.SRINIVASAN.

... Petitioner in
W.P.No.4502 of 2020

S.V.P.B. SPINNERS (P) LIMITED,
HTSC NO.150, SEMMADAIPATTY,
PALAKANUTHU POST, DINDIGUL TALUK,
NAGAIYAKOTTAI, DINDIGUL,
REPD. BY VICE PRESIDENT,
V.SRINIVASAN.

... Petitioner in
W.P.No.4507 of 2020

SRI HARIKRISHNA PAPERS (P) LIMITED,
UNIT - III, HTSC NO.333,
NALLUR VILLAGE, PUSHPATHUR POST,
PALANI, DINDIGUL - 624 618,
REPD. BY AUTHORIZED SIGNATORY,
M.NARAYANASAMY.

... Petitioner in
W.P.No.4509 of 2020



S.V.A. SYNTEX (P) LIMITED,
HTSC NO.164, THALAIYUTHU VILLAGE,
PALANI, DINDIGUL,
REPD. BY AUTHORIZED SIGNATORY,
V.SRINIVASAN.

... Petitioner in
W.P.No.4512 of 2020

ANNAMALAIYAR MILLS P LTD.,
(HTSC NO.08), MADURAI ROAD,
P.B.NO.2, BEGAMPUR,
DINDIGUL DISTRICT,
REPD. BY ITS PUBLIC RELATINS OFFICER,
G.SIVARMAN.

... Petitioner in
W.P.No.11685 of 2020

ANNAMALAIYAR SPINNERS P LTD.,
(HTSC NO.156), SEMMADAIPATTY,
PALAKKANUTHU, PALAKKANUTHU POST,
DINDIGUL DISTRICT,
REPD. BY ITS PUBLIC RELATINS OFFICER,
G.SIVARMAN.

... Petitioner in
W.P.No.11688 of 2020

M/S.CHAKRAVARATHY FABRIC P LTD.,
HTSC NO.353, S.F.NO.123/2,
OVIYAMPALAYAM,
P.VELUR TALUK, NAMAKKAL,
REPD. BY ITS AUTHORIZED SIGNATORY,
S.RAJA.

... Petitioner in
W.P.No.11690 of 2020

APOLLO TYRES LTD.,
HTSC NO.774, PLOT NO.228,
2ND MAIN ROAD, VENKATARAMAN NAGAR,
CHITLAPAKKAM, CHENNAI - 64,
REPD. BY ITS AUTHORIZED SIGNATORY,
G.BALASUBRAMANIYAM.

... Petitioner in
W.P.No.11700 of 2020



SUNDARAM BRAKE LININGS LTD.,
HTSC NO.1282, 1ST FLOOR,
P.NO.II, VENKATESAN STREET,
VGN MAHALAKSHMI NAGAR,
THIRUVERKADU, CHENNAI - 77,
REPD. BY ITS AUTHORIZED SIGNATORY,
S.RAMABADRAN.

... Petitioner in
W.P.No.11705 of 2020

AKSHARA INDUSTRIES LTD.,
HTSC NO.1779,
NO.9, EGUVARPALAYAM VILLAGE,
GUMMIDIPOONDI TK,
TIRUVALLUR DISTRICT,
REPD. BY ITS DIRECTOR,
MR.ANURAG TIBREWALA.

... Petitioner in
W.P.No.11707 of 2020

SUNDARAM BRAKE LININGS LTD.,
HTSC NO.826, 1ST FLOOR,
PLOT NO.II, VENKATESAN STREET,
VGN MAHALAKSHMI NAGAR,
THIRUVERKADU, CHENNAI - 77,
REPD. BY ITS AUTHORIZED SIGNATORY,
S.RAMABADRAN.

... Petitioner in
W.P.No.11710 of 2020

R.K.STEEL MANUFACTURING COMPANY PVT LTD.,
HTSC NO.1788, N25, 1ST FLOOR,
FLOWERS ROAD, EGMORE SOCIETY BANK
PURASAWALAKAM, CHENNAI - 84,
REPD. BY ITS AUTHORIZED SIGNATORY,
PRAMOD KUMAR BHALOTIA.

... Petitioner in
W.P.No.11711 of 2020

M/S.SARANYA SPINNING MILLS (P) LIMITED,
HTSC NO.181, NO.10/243,
THURAIYUR MAIN ROAD, NAMAKKAL,
REPD. BY ITS AUTHORIZED SIGNATORY,
S.RAJA.

... Petitioner in
W.P.No.11855 of 2020



RAN INDIA STEELS (P) LTD.,
HTSC NO.230, AYYAPPA TOWER 1ST FLOOR,
C.H.B. COLONY, VELUR ROAD,
THIRUCHENGODE, NAMAKKAL,
REPD. BY ITS AUTHORIZED SIGNATORY,
R.MATHESWARAN.

... Petitioner in
W.P.No.11858 of 2020

RAN INDIA STEELS (P) LTD.,
HTSC NO.152, S.F.NO.265/2E AND 255/6A2,
NALLUR VILLAGE, KAVUNDIPALAYAM POST,
KANDAMPALAYAM VIA.,
P.VELUR TALUK, NAMAKKAL DISTRICT,
REPD. BY ITS AUTHORIZED SIGNATORY,
R.MATHESWARAN.

... Petitioner in
W.P.No.11881 of 2020

UMASANKAR ALLOYS P LTD.,
HSTC 347, P.NO.39, PHASE II,
SIPCOT INDUSTRIAL COMPLEX,
HOSUR - 635 126,
REP. BY ITS AUTHORIZED SIGNATORY,
NANDAKUMAR.

... Petitioner in
W.P.No.19152 of 2020

M/S.SUNGWOO STAMPING PVT LTD.,
HTSC NO.099094110630,
NO.448/2, MANNUR VILLAGE,
VALARPURAM POST, SRIPERUMBUDUR,
KANCHEEPURAM DISTRICT,
REP. BY ITS MANAGING DIRECTOR,
OH.SE HWAN.

... Petitioner in
W.P.No.19327 of 2020

.Vs.

1 THE CHAIRMAN,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO),
144, ANNA SALAI,
CHENNAI - 600 002.



2 THE CHIEF FINANCIAL CONTROLLER/REVENUE,
TANGEDCO, 144, ANNA SALAI,
CHENNAI - 600 002.

3 THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP. BY ITS SECRETARY,
19A, RUKMANI LAKSHMIPATHY SALAI,
EGMORE, CHENNAI - 08.

... Respondents 1, 2 & 4 in
W.P.Nos.3938, 3947, 3951, 3954, 4494,
4502, 4507, 4509, 4512, 11685, 11688,
11690, 11700, 11705, 11707, 11710, 11711,
11855, 11858, 11881 and 19152 of 2020

... Respondents 1 to 3 in
W.P.No.19327 of 2020

THE SUPERINTENDING ENGINEER,
DINDIGUL ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., TANGEDCO,
DINDIGUL.

... 3rd Respondent in W.P.Nos.3938,
3947, 3951, 3954, 4494, 4502, 4507,
4509, 4512, 11685 & 11688 Of 2020

THE SUPERINTENDING ENGINEER
CHENNAI WEST ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., TANGEDCO,
CHENNAI.

... 3rd Respondent in
W.P.No.11705 & 11711 of 2020

THE SUPERINTENDING ENGINEER,
CHENNAI NORTH ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., TANGEDCO,
CHENNAI.

... Respondent in
W.P.No.11707 of 2020



THE SUPERINTENDING ENGINEER,
CHENGALPATTU ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., TANGEDCO,
CHENGALPATTU.

... 3rd Respondent in
W.P.Nos.11700 & 11770 of 2020

... 4th Respondent in
W.P.No.19327 of 2020

THE SUPERINTENDING ENGINEER,
NAMAKKAL ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., TANGEDCO,
NAMAKKAL.

... 3rd Respondent in W.P.No.11690,
11855, 11858 and 11881 of 2020

THE SUPERINTENDING ENGINEER,
KRISHNAGIRI ELECTRICITY DISTRIBUTION CIRCLE,
THE TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.,
KRISHNAGIRI.

... 3rd Respondent in
W.P.No.19152 of 2020

COMMON PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.SP.Parthasarathy
(in all W.Ps)

For Respondents : No Appearance
(in all W.Ps)



COMMON ORDER

Heard Mr.S.P.Parthasarathy, learned counsel for the petitioners. There is no appearance for the respondents, though the name of erstwhile learned counsel is printed in the cause list.

2. The petitioners challenge a Circular that has been passed by the 2nd Respondent i.e., Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) on 29.07.2013. Identical challenges were considered by this Court in a batch of writ petitions in W.P.Nos.5916 to 5918 of 2014 etc. batch and, by order dated 14.09.2018, a learned Single Judge of this Court accepted the contentions of the petitioners and quashed the Circular. As against the aforesaid, TANGEDCO appears to have filed writ appeals in W.A.Nos.2539 and 2540 of 2018.

3. Pending writ appeals, an interim arrangement was arrived at by the Division Bench of this Court, by order dated 19.11.2018, to following effect:-

"8. Therefore, in the light of the above facts and circumstances, and reasons assigned above, this Court is of the considered view that the same arrangement shall continue till the disposal of the writ appeals for the reasons that appellant in the event of success in these appeals may not be able to recover it and there may be possibility of respondents/writ petitioners to wind up operations due to vagaries of business or other reasons. Therefore, without prejudice to the rights and contentions, the first respondents/writ petitioners shall continue to pay 50% of the demand made as per the impugned orders/demand, the subject matter of challenge in the writ petitions, within a period of two weeks from the date of each demand. It is also made clear that the amount collected by virtue of the interim order in the writ petitions as well as in these writ appeals, by the appellant is also subject to the result of these writ appeals, and if the appellant fails, they are liable to refund the Deemed Demand Charges already collected from the first respondents/writ petitioners. Call on 17.12.2018."

4. The writ appeals are stated to be pending. Identical writ petitions filed by similarly placed petitioners have come to be disposed following the order passed in W.P.(MD) Nos.9253 to 9255 of 2014 etc batch dated 05.02.2020.



5. In the interests 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.

(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 respondents 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 matter known to law, in the manner known to law, in the interregnum."

6. These writ petitions are closed as above. No costs. Consequently the Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jeni/Svn

To

1. The Chairman,
The Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller/Revenue,
(TANGEDCO),
144, Anna Salai,
Chennai - 600 002.



3. The Secretary,
The Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

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4. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
The Tamil Nadu Generation and Distribution
Corporation Ltd., TANGEDCO,
Dindigul.
5. The Superintending Engineer,
Chennai West Electricity Distribution Circle,
The Tamil Nadu Generation and Distribution
Corporation Ltd., TANGEDCO,
Chennai.
6. The Superintending Engineer,
Chennai North Electricity Distribution Circle,
The Tamil Nadu Generation and Distribution
Corporation Ltd., TANGEDCO,
Chennai.
7. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
The Tamil Nadu Generation and Distribution
Corporation Ltd., TANGEDCO,
Namakkal.
8. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Krishnagiri.
9. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
The Tamil Nadu Generation and Distribution
Corporation Ltd., TANGEDCO,
Chengalpattu.

+1cc to Mr.V.S.Sivsundaram, Advocate, S.R.No.16777

W.P.NOS.3938 OF 2020 &
ETC. BATCH

AJS (CO)
PBS/20/04/2022