

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.4222 of 2022 &
WMP.No.4370 of 2022

Eveready Spinning Mills P.Ltd.,
Represented by its Authorised Signatory-S.Chandrakumar,
NH-7, Kottaiyur-Agaram Village,
Thadicombu-624709,
Dindigul District,
Dindigul.

... Petitioner

Vs

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.
- 2.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.
- 3.The Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.
- 4.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 5.The Superintending Engineer,

Palladam Electricity Distribution Circle,
Palladam.
6.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Dindigul.

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent and their men, agents not to collect current consumption charges, demand charges and any arrears from the petitioner until the respondents make payment of the outstanding dues of Rs.23,90,426/- (Rupees Twenty Three Lakhs Ninety Thousand Four Hundred and Twenty Six Only) payable to the petitioner towards encashment of banked units generated by Petitioner's WEGs bearing HTSC Nos.079234724287; 039224391807 and 079204721704 in terms of the Tariff Orders, Energy Wheeling Agreements dated 29.03.2015, 04.05.2012 and 19.12.2017 and the judgment of this Hon'ble Court in W.P.No.6776 of 2020 and Batch dated 28.10.2021 along with interest thereon at 1% per month payable from the time such sums fell due or to give adjustment in the current consumption charges payable by the petitioner at its HTSC No.059094500347 till the entire amount is adjusted.

For Petitioner : Mr.R.Parthasarathy

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, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner in this Writ Petition seeks a Writ of Mandamus directing the respondents (TANGEDCO) to make payments of a sum of Rs.23,90,426/- along with the interest towards delayed payments or adjust the same as against the current consumption charges payable by the petitioner.

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 petition and the Writ Petitions referred to above. Thus, the same order passed on 07.02.2022 is taken to be passed in this writ petition as well.

5. This Writ Petition is 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 Petition is 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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DR. ANITA SUMANTH, J.

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