



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.30140 of 2011
and
M.P.Nos.2 & 3 of 2011

M/s.Power Spinning Mills
Rep.by its Manager
192, 192/1, Goundachi Pudur Road
Ellis Nagar,
Dharapuram - 638 657.

...Petitioner

Vs.

1.TANGEDCO
Rep.by the Chairman cum Managing Director
144, Anna Salai
Chennai - 600 002.

2.Superintending Engineer, TANGEDCO
UEDC
Udumalpet.

...Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records of the second respondent in impugned order in Lr.No.SE/UEDC/UDT/AO/Rev/HT/As/AS1/F.BOAB AUDIT/2011 dated 09.12.2011 and set aside the same as arbitrary and illegal.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.Abul Kalam
Standing Counsel for R1

Mr.L.Jai Venkatesh
Standing Counsel for R2

ORDER

Heard Mr.Rahul Balaji, learned counsel for the petitioner and Mr.Abul Kalam, learned Standing Counsel appearing for the first respondent and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the second respondent.



2. The learned counsel appearing for the petitioner would state that the issue raised in the present writ petition is no more res integra, which was already decided by the TNERC in D.R.P.No.13 of 2010 dated 14.03.2011. He further added that the review filed by the Electricity Board was also rejected on 15.11.2011 and the findings of the Commission would be binding on the respondents.

3. The order is extracted hereunder:-
".....

5. Findings of the Commission:-

The TNEB, in their letter dated 27.6.2010 communicated to the Petitioner that the demand quota for the month of July 2010 would be 1182 KVA and the energy quota 6,29,499 units. The bill of the TNEB for the month of July 2010 indicates that the maximum recorded demand is 1159 KVA and the energy consumed is 6,38,624 units, excess being 9125 units. The bill of TNEB for July 2010 indicated an excess demand charges of Rs.67,381/- and excess energy charges of Rs.3,11,772. The excess energy charges have been levied for 35,700 units as against 9125 units. The TNEB is estopped from going back on the demand and energy quota communicated in advance. We have no hesitation in setting aside the excess demand charges and excess energy charges other than the actual excess of 9125 units. The balance may be refunded by the TNEB to the consumer/generator. The Learned Counsel for TNEB states that it has refunded to the consumer the excess amount in respect of excess energy consumption.

6. Direction:-

In view of the findings in para 5 above, the impugned Letter No.SE /TEDC /TNI/ DFC /AS/HT /Asst / F.PC/D.No.395/10, dated 06.09.2010 of the Second Respondent is set aside. The Respondents are directed to refund the amount of excess charges collected from the Petitioner for the month of July 2010 after recalculating the excess charges as per para 5 of this order and adjusting the amount already refunded by way of adjustment."

4. In view of the above directions, the case of the petitioner is also to be considered, accordingly, the impugned order is set aside and the benefits extended in the order cited supra stands extended to the petitioner also. The writ petition



stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

pvs

To

1.The Chairman cum Managing Director,
TANGEDCO
144, Anna Salai
Chennai - 600 002.

2.The Superintending Engineer, TANGEDCO
UEDC
Udumalpet.

+lcc to Mr.S.Parthasarathy, Advocate SR.No.

W.P.No.30140 of 2011

CP (CO)
GMY (17/03/2022)