

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. NOS.31496 TO 31500 OF 2012  
AND M.P.NOS.1,1,1,1,1,2,2,2,2,2,3 AND 3 OF 2014

Superfil Products Ltd.,  
No.808/1, GR Complex Basement,  
Anna Salai, Nandanam,  
Chennai-35

...Petitioner  
(In all W.P's)

Vs.

1. The State of Tamil Nadu,  
Represented by its Secretary,  
Energy Department,  
Fort Street.George, Chennai-600 009.
2. The Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
represented by its Chariman and Managing Director,  
No.144, Anna Salai, Chennai-600 002.
3. The Tamil Nadu Transmission Corporation Limited,  
(TANTRASCO) represented by its Chairman and  
Managing Director,  
No.144, Anna Salai, Chennai-600 002.
4. The Chief Financial Controller/ Revenue,  
Accounts Branch, Revenue Division,  
The Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
No.144, Anna Salai,  
Chennai-600 002.
5. Tamil Nadu Electricity Regulatory Commission,  
represented by its Secretary,  
19, Ruckmini Lakshmipathy Salai (Marshall's Road),  
Egmore, Chennai-600 002.

6. The Superintending Engineer,  
TANGEDCO, Chennai EDC/North,  
No.144, Anna Salai, Chennai.

...Respondents  
(In all W.P's)

PRAYER in W.P.No.31496/2012:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the case from the files of the 1<sup>st</sup> respondent viz. impugned G.O.(Ms) No.79 Energy (C-3) dt 11.7.2012 issued by the 1<sup>st</sup> respondent culminating in the 2<sup>nd</sup> respondent's Circular Memo No.CFc/ Rev/FC/Rev/ AS-3/D.No. /12 dt 12.7.2012 quash the same and forbear the respondents No.1 to 4 and 6 from in any manner levying demanding and/ or collecting Cross Subsidy Surcharge from the petitioner for procuring energy from wind mills CPP Power exchanges and third party sources so long as the Restriction and Control measures imposed by the respondents are in force.

PRAYER in W.P.No.31497/2012:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the case from the files of the 6th respondent in Bill No. 1540 dt 31.10.2012 for the month of October 2012 quash the levy of cross subsidy surcharge and direct the 6th respondent not to collect the cross subsidy surcharge levied on the petitioner for procuring energy from wind mills CPP Power exchanges and third party sources so long as the Restriction and Control measures imposed by the respondents are in force.

PRAYER in W.P.No.31498/2012:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the case from the files of the 6th respondent in Lr.No.SE/CEDC/N/DFC/AO/AAO/HT/AS.4/F.1540/D.2897/12 dt 26.10.2012 for the month of July 2012 quash the levy of cross subsidy surcharge and direct the 6th respondent not to collect the cross subsidy surcharge levied on the petitioner for procuring energy from wind mills CPP Power exchanges and third party sources so long as the Restriction and Control measures imposed by the respondents are in force.

PRAYER in W.P.No.31499/2012:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus

calling for the records of the case from the files of the 6th respondent in Lr. No. SE/ CEDC/N/DFC/ AO/AAO/HT/ AS.4/ F.1540/ D.2897/ 12 dated 26.10.2012 for the month of August 2012 quash the levy of cross subsidy surcharge and direct the 6<sup>th</sup> respondent not to collect the cross subsidy surcharge levied on the petitioner for procuring energy from wind mills CPP Power exchanges and third party sources so long as the Restriction and Control measures imposed by the respondents are in force.

PRAYER in W.P.No.31500/2012:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the case from the files of the 6th respondent in Lr.No.SE/ CEDC/N/DFC/AO/AAO/HT/AS.4/F.1540/D.2897/12 dated 26.10.2012 for the month of September 2012 quash the levy of cross subsidy surcharge and direct the 6th respondent not to collect the cross subsidy surcharge levied on the petitioner for procuring energy from wind mills CPP Power exchanges and third party sources so long as the Restriction and Control measures imposed by the respondents are in force.

|                  |   |                                                  |
|------------------|---|--------------------------------------------------|
| For Petitioner   | : | Mr.Lakshmi Sriram                                |
| For R1           | : | Mr.M.C.Selvaraj<br>Additional Government Pleader |
| For R2 to R4, R6 | : | Mr.L.Jai Venkatesh<br>for TANGEDCO               |
| For R5           | : | No appearance                                    |

. . . (In all W.P's)

#### COMMON ORDER

The issue involved in all these writ petitions are one and same hence, all the writ petitions are disposed of by way of common order.

2. The learned counsel for the petitioner and the respondents in unison submitted that the issue raised in the present writ petitions stands covered by the judgment of this Court in W.P.No.24889 of 2012 dated 10.02.2022, wherein it was observed as under:

"2. By impugned G.O.(Ms).No.79 Energy (C3) Department dated 11.07.2012, Government had cancelled the temporary waiver of cross subsidy surcharges and made demands from the HT consumers like the

petitioner. The said G.O.(Ms).No.79 dated 11.07.2012 was challenged before this Court in WP.No.23113 of 2012. This Court, by order dated 30.11.2012, quashed the impugned G.O.(Ms).No.79, against which, writ appeal was filed by the respondents in WA.No.1257 of 2012. The Hon-ble Division Bench of this Court, by its order dated 24.09.2014, disposed of the writ appeal with certain directions. Aggrieved over the same, the Southern India Mill Owners- Association and TANGEDCO have preferred an appeal and cross~objection before the Hon-ble Supreme Court in SLA.(C).No.15662 of 2015. The Hon-ble Supreme Court by its order dated 29.07.2015 has directed the parties to maintain status~quo till the orders to the contrary. Now that the matter is subjudiced, status~quo is maintained by the parties concerned.

4.The learned counsel appearing for the parties would submit that the writ petition may be disposed of, subject to the out come of the judgment of the Hon-ble Supreme Court in the above matter. Considering the facts and circumstances of the case, this writ petition stands disposed of, subject to the result of SLA(C).No.15662 of 2015. The parties shall maintain status~quo till such time. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view of the same, the present writ petitions are disposed of on the above terms viz., parties shall maintain status quo until disposal of the issue by the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Psa

To:

1. The Secretary,  
The State of Tamil Nadu,  
Energy Department,  
Fort Street.George, Chennai-600 009.

2. The Chariman and Managing Director,  
Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
No.144, Anna Salai, Chennai-600 002.
3. The Chairman and Managing Director,  
Tamil Nadu Transmission Corporation Limited (TANTRASCO),  
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4. The Chief Financial Controller/ Revenue,  
Accounts Branch, Revenue Division,  
The Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
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Egmore, Chennai-600 002.
6. The Superintending Engineer,  
TANGEDCO, Chennai EDC/North,  
No.144, Anna Salai, Chennai.

+1cc to Mr.Lakshmi Sriram, Advocate, S.R.No.38901  
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.38758  
+1cc to the Government Pleader, S.R.No.39627

W.P. Nos.31496 to 31500 of 2012

RSV(CO)  
PM/21/07/2022