



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition Nos.28638 and 28639 of 2013

&

M.P.Nos.1,1,2,2, 3 and 3 of 2013

1. Thangavelu Spinning Mills (Pvt) Ltd
HTSC No.105
B.Mallapuram Post, Harur Taluk
Dharmapuri District-Repd by its
Authorized Signature-D.Manoj kumar
... Petitioner in W.P.No.28638 of 2013
2. Apple Rolling Mills (P) Ltd, HT SC No.336,
Kalukondapally Thally Road,
Denkanikottai Taluk, HOSUR- 635 114
Rep. By Its Authorized Signatory
C.Raju ... Petitioner in W.P.No.28639 of 2013

-Vs-

1. Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO), 144 Anna Salai,
Chennai-600 002.
2. Chief Financial Controller/ Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai-600 002
3. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008 ... Respondents in both WPs
4. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. (TANGEDCO) 4th Respondent in
W.P.No.28638 of 2013
5. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. (TANGEDCO) ... 4th respondent in
W.P.No.28639 of 2013



Prayer in W.P.No.29638 of 2013: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 2nd respondent contained in impugned Letter No. CFC/ FC/ DFC/AAO.HT/ AS.3/REV/ D.N.115/13 dated 29.7.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

Prayer in W.P.No.29639 of 2013: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 2nd respondent contained in impugned Letter No. CFC/ FC/ DFC/AAO.HT/ AS.3/REV/ D.N.115/13 dated 29.7.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioners : M/S.R.S.Pandiyaraj

For Respondents : M/S.Jai Venkatesh,
Standing Counsel for TNEB

COMMON ORDER

These writ petitions have been filed aggrieved by the withdrawal of the concession of the deemed demand charges extended to the petitioners by the respondents.

2. This issue was considered by the learned single Judge of this Court and similar impugned orders were quashed by this Court. Aggrieved by the same, the respondents have preferred an appeal and the same is pending in W.A.Nos.2539 & 2540 of 2018.

3. The Division Bench, while entertaining the writ appeal, directed the concerned parties to pay 50% of the demand made pursuant to the issuance of the impugned order. The relevant portions in the order passed by the Division Bench are extracted hereunder:

" 6. This court has carefully considered the rival submissions and also perused the materials placed. In the light of the stand taken by the Tamilnadu Electricity Regulatory Commission in the counter affidavit in paragraph No.14 in W.P.No.28256 of 2014 etc., batch of writ petitions, coupled with the decision of the said Commission, vide the order dated 31.03.2016 in R.A.No.6 of 2013, this Court is of the considered view that prima facie case has been made out for grant of interim orders.



there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sha/kpr

To

1. Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO), 144 Anna Salai,
Chennai-600 002.
2. Chief Financial Controller/ Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai-600 002
3. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008
4. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. (TANGEDCO)
Krishnagiri.
5. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. (TANGEDCO)
Dharmapuri.s

+2cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.10152
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.10625

Writ Petition Nos.28638 and 28639 of 2013 &
M.P.Nos.1,1,2,2, 3 and 3 of 2013

GPL (CO)
SB (10/03/2022)