



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29431 of 2013

V.V. Iron & Steel Company Private Ltd
Represented by its General Manager,
Mr.V.ArivudaiNambi
Having Corporate office at No 2, Harrington Road,
KRM Center, 5th Floor, Chetpet, Chennai-31 ...Petitioner

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Ltd,
Represented by its Managing Director,
Technical Branch, 144, Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tuticorin.
- 3.The Accounts Officer (Revenue)
Tamil Nadu Generation and Distribution Corporation Ltd,
Tuticorin Circle, Tuticorin. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd and 3rd respondents from levying 15% compensation charge contrary to the instructions in Memo.No.CE/Comml/EE3/AEE2/F.Harmonics/D589/13 dated 19.08.2013 and Memo.No.CE/Comml/EE3/AEE2/F.Harmonics/D.614/13 dated 27.08.2013 issued by the 1st respondent and consequently direct the respondents to refund the sum of Rs.21,99,131/- collected without authority towards compensation charges during June to October 2013 for HT service Connection No.262.

For Petitioner : Mr.S.Raveekumar

For Respondents : Mr.M.Abdul Kalam
For [TANGEDCO]



O R D E R

The learned counsel for the petitioner made a submission that the factory is not running its operation from July 2013 onwards. Consequently, the petitioner company is not liable to pay the charges demanded by the Electricity Board. The learned counsel for the petitioner further submitted that they have also given a representation for refund of the amount paid by them towards compensation charges, during June 2013 to October 2013 HT Service Connection.

2. This Court is of the considered opinion that, for refund of the amount paid by the petitioner, an enquiry is required and the facts are to be ascertained. Though the petitioner company has filed some documents, those documents are required to be gone into by the competent authorities by conducting thorough enquiry.

3. Under these circumstances, the learned counsel for the petitioner made a submission that, it would be suffice if the respondents are directed to consider the representation dated 06.03.2017 submitted by them to the Superintending Engineer seeking refund. Accordingly, the Superintending Engineer, Tuticorin Electrical Distribution Circle, Tuticorin, is directed to consider the above said representation and pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

4. Thereafter, if the petitioner is aggrieved, they are bound to approach the appellate authority or the forum constituted for the purpose of adjudication of the issues. The petitioner is at liberty to place all the documents and evidences, along with the copy of the representation to the 2nd respondent / Superintending Engineer for considering the merits of the case.

5. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Kan



To

- 1.The Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd,
Technical Branch, 144, Anna Salai,
Chennai-600002.
- 2.The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tuticorin.
- 3.The Accounts Officer (Revenue)
Tamil Nadu Generation and Distribution Corporation Ltd,
Tuticorin Circle, Tuticorin.

+1cc to Mr.S.Raveekumar, Advocate, S.R.No.3206

W.P.No.29431 of 2013

UM(CO)
CB(04/02/2022)