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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.4030 of 2012
And
MP Nos.1 and 2 of 2012

TRK Textiles (India) Pvt Ltd.,
HTSC No.286,
SF No.27/1,2,3&4, Pachapalayam Village,
Olappalayam Post,
Erode – 638 701 Represented by its Manager
V.Balasubramanian … Petitioner

vs.

1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai – 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer, NCES,
144, Anna Salai,
Chennai – 600 002.

4.The Superintending Engineer,
Erode South Electricity
Distribution Circle,
TANGEDCO,
TNEB,
Erode. ... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his Bill No.286 dated 30.01.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.96,372/- in Serial No.13(f) as illegal, arbitrary, without the authority of law and consequently forbear the fourth respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force.

For Petitioner : Mr.M.Saravanakumar

For Respondent-1 : No Appearance

For Respondents-2to4: Mr.M.Abdul Kalam,
Standing Counsel for TANGEDCO.

O R D E R

The writ petition has been filed challenging the correctness of the impugned Bill No.286 dated 30.01.2012 issued by the Superintending Engineer, Erode, the fourth respondent herein.

2. The learned counsel appearing for the petitioner would submit that when the similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission and others in I.A. No.736 of 2019 in D.F.R. No.1584 of 2019, the Appellate Tribunal for Electricity by order dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3. In view of the fact that an interim order dated 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar issue as that of the petitioner, the writ petition is disposed of. No coercive steps will be taken

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against the petitioner till the orders are passed by the respondents. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Svn

To

1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer, NCES,
144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,
Erode South Electricity
Distribution Circle,
TANGEDCO,
TNEB, Erode.

+1cc to Mr.R.S.Pandiyaraj, Advocate Sr.4654

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srg 08/02/2022

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