



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4548 of 2015

and

M.P.Nos.1 to 3 of 2015

M/s.P.K.P.N. Spinning Mills (P) Ltd.,

HTSC No.99,

P.B.No.114, 5, Bye-pass Road,

Pallipallayam,

Erode 638006

Rep. by its General Manager Mr.N.Rajavelu

...Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),

2. The Chief Financial Controller-Revenue,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

3. The Accounts Officer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur Dam.

4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

5. The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur Dam.

...Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the third respondent CC Bill No.049094220099 dated 01.02.2015 insofar as the levy of Rs.38,01,687/- towards energy charges under Serial No.1 'Industrial Consumption' and levy of alleged excess demand and



energy charges totalling to a sum of Rs.9,94,680/- under Serial No.12(a)&(b) is concerned, quash the same as illegal, arbitrary, without the authority of law and against the orders of the TNERC in DRP No.19 of 2013, dated 19.01.2015 and consequently direct the third respondent to give adjustment of the available wind energy of 2869223 Units generated through the petitioner's WEG during the months of June, July and August/2014 against the petitioner's future Current Consumption bills.

For Petitioner : Mr.A.R.L.Sundaresan,
for Mr.R.S.Pandiyaraj

For Respondents : Mr.Abul Kalam

ORDER

Heard Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for Mr.R.S.Pandiyaraj, learned counsel for the petitioner and Mr.Abul Kalam, learned Standing Counsel for the respondents.

2. The learned counsel for the petitioner made a submission that the issues raised in this Writ Petition were already decided in favour of the petitioner by the Tamil Nadu Electricity Regulatory Commission, which were upheld by the Appellate Tribunal also.

3. However, the Board took the matter before the Apex Court of India and Civil Appeal No.15618 of 2017 is now pending before the Hon'ble Supreme Court of India. Thus, the issues raised in both the writ petitions are subject to the final disposal of the Civil Appeal pending before the Hon'ble Supreme Court of India and the orders to be passed will be extended to the petitioner is also similarly placed. The orders including the interim orders passed by the Hon'ble Supreme Court of India is to be extended to the petitioner.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs



To

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+1cc to M/s.R.S.Pandiyaraj, Advocate, S.R.No.13502

W.P.No.4548 of 2015

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