



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.929 & 930 of 2015

and

M.P.Nos. 1 to 3 of 2015

Sugavaneshwara Spinning Mills P Ltd.,
HTSC No.61,
Belur Main Road, Selliampalayam,
Minnampalli, Salem 636 106
Represented by its Authorised Signatory
M.Manikam ... Petitioner in W.P.No.929 of 2015.

Arunachalagounder Textile Mills (P) Ltd.,
HTSC No.168
Modambamgalam Village,
Tiruchengode Taluk, Erode
Rep. by its Executive Director
N.Prabhuram. ... Petitioner in W.P.No.930 of 2015.

Vs.

1. Tamil Nadu Electricity Regulatory
Commission Rep. by its Secretary,
19-A, Rukmini Lakshmi pathy Salai,
(Marshall's Road),
Egmore, Chennai 600 008.
2. Tamilnadu Generation and
Distribution Corporation Limited (TANGEDCO)
Rep by its Chairman and Managing Director
No.144, Anna Salai,
Chennai 600 002.
3. The Chief Financial Controller - Revenue,
TANGEDCO,
144, Anna Salai,
Chennai 600 002. ... Respondents 1 to 3 in both WPs.



WEB COPY

4. Accounts Officer/Revenue,
TANGEDCO,
Salem Electricity Distribution Circle,
Salem.

... R4 in W.P.No.929 of 2015.

5. Accounts Officer/Revenue,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur.

... R4 in W.P.No.930 of 2015.

PRAYER in W.P.No.929 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent in his impugned memo bearing Lr.No./CFC/FC/DFC/AAO.HT/AS.3/D.No.118/13 para II.4 'Banking Charges' dated 22.08.2013 and the consequential impugned CC Bill No.049094240061 dated 29.12.2014 issued by the 4th Respondent in so far as it relates to the levy of banking charges towards a sum of Rs.85,725/- under Serial No.19 'Other Adjustment' quash the same as illegal, arbitrary, without the authority of law and against the orders of the Honble APTEL in Appeal No.197 of 2012 and consequently forbear the 4th Respondent, their men, officers, agents, servants, representatives and / or any one claiming through or under them and /or any other person from in any manner levying, demanding and/or collecting banking charges at 94 paise from the Petitioner for their HT SC No.61 either through CC Bills or in any other manner and direct the 4th Respondent to give refund/adjustment of the amount already collected from the Petitioner.

PRAYER in W.P.No.930 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent in his impugned memo bearing Lr.No./CFC/FC/DFC/AAO.HT/AS.3/D.No.118/13 para II.4 'Banking Charges' dated 22.08.2013 and the consequential impugned CC Bill NO.049094220168 dated 02.01.2015 issued by the 4th Respondent in so far as it relates to the levy of banking charges towards a sum of Rs.5,99,452/- under Serial No.19 ,Other Adjustment, quash the same as illegal, arbitrary, without the authority of law and against the orders of the Honble APTEL in Appeal No.197 of 2012 and consequently forbear the 4th Respondent, their men, officers, agents, servants, representatives, and / or any one claiming through or under them and /or any other person from in any manner levying, demanding and/or collecting banking charges at 94 paise from the Petitioner for their HT SC No.168 either through the CC Bills or in any other manner and direct the 4th Respondent to give refund/adjustment of the amount already collected from the Petitioner.



WEB COPY

In Both WPs

For Petitioner : Mr. M. Saravankumar

For Respondents : Mr.L.Jaivenkatesh
for TANGEDCO [R2 to R4]
No Appearance[R1]

C O M M O N O R D E R

The Current Consumption Bills dated 29.12.2014 and 02.01.2015 issued by the fourth respondent, are under challenge in the present writ petitions.

2. The impugned orders have been passed based on the Circular issued by the TANGEDCO on 22.08.2013.

3. The Circular relating to comprehensive tariff order in respect of 'Wind Energy' had been recalled and a fresh Circular Memo has been issued by the TANGECO in Circular Memo No.CFC/REV/DFC/REV/ AS.3/D. No.384/17 dated 03.10.2017.

4. Thus, the impugned orders are to be reviewed by the Competent Authorities based on the subsequent Circular dated 03.10.2017 issued during the pendency of the present writ petitions.

5. The learned counsel for the petitioners relied on the paragraph 8.0 of the circular dated 03.10.2017, which reads as under:-

"8.0. Further, it is stated that while revising the CC bills from 01.08.2012 to 31.03.2016 in respect of the wind energy captive user, if any refund of banking charges and other charges arising, the same may be allowed for adjustment in the ensuing CC bill(s) in 10 instalments. Similarly, if any collection of CC charges is arising, the same shall be collected separately by issuing separate demand with 15 days' notice and if not paid, the same may be included in the ensuing CC bill after giving appropriate notice to the respective consumers. Instalments if any requested can be acted up on suitably without exceeding three monthly instalments."

6. In view of the Circular issued during the pendency of the present writ petitions, the orders impugned dated 29.12.2014 and 02.01.2015 issued by the fourth respondent, is directed to be



reviewed and fresh orders are to be passed extending the benefit of the Circular dated 03.10.2017 to the petitioners. The said exercise is directed to be completed, within a period of eight weeks from the date of receipt of a copy of this order.

WEB COPY

7. Accordingly, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shr/ska

To

1. The Chairman
Tamilnadu Generation and Distribution Corporation Limited.
(TANGEDCO),144 Anna Salai,
Chennai 600002.
2. The Chief Financial Controller/ Revenue
TANGEDCO,144, Anna Salai,
Chennai 600002.
3. The Superintending Engineer,
TANGEDCO,
Salem Electricity Distribution Circle,
Salem.
4. The Secretary
The Tamilnadu Electricity Regulatory Commission
No.19A, Rukmani Lakshmipathy Salai,
Egmore Chennai -600008.
5. The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur.

W.P.No.929 & 930 of 2015
and
M.P.Nos. 1 to 3 of 2015

JP-II[co]
NSK 10/02/2022