

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.2801, 2802, 2803 & 2804 of 2016
and connected Miscellaneous Petitions

Lakshmi Saraswathi Cotton Mills P Ltd.,
HTSC No.074
Kutchipalaym Post, Thokkavadi,
Thiruchengode 637215
Rep by its Director M.Udayakumar

...Petitioner in W.P.No.2801/2016

Sambandam Spinning Mills Ltd,
HTSC No.256, S.F.No.58/1A3, Kavarakalpatty,
Sendrayampalayam, Salem,
Rep by its Joint Managing Director,
Sri S.Dinakaran

... Petitioner in W.P.No.2802/2016

B.R.T. Spinners (PVT) Ltd.,
HT SC No.242, No.586/2-C Somanur Main Road,
Chokkampalayam, Annur 641 659
Coimbatore District, Rep by its
Authorized Signatorey R. Madhavan

... Petitioner in W.P.No.2803/2016

Sambandam Siva Textiles (P) Ltd.,
HSC No.177, Kamaraj Nagar Colony,
Salem 636 014.
Rep. By its Managing Director,
Sr.S.Dinakaran

...Petitioner in W.P.No.2804/2016

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

2.The Chief Financial Controller/Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002. .. Respondents 1 & 2 in all the Petitions

- 3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO, Mettur. .. 3rd Respondents in WP 2801/16
- 4.Tamil Nadu Electricity Regulatory Commission,
Rep Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
..4th Respondent in all the Petitions
- 3.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO,
Salem. .. 3rd Respondents in WP 2802 & 2804/16
- 3.The Superintending Engineer,
TANGEDCO
Coimbatore North Electricity Distribution Circle,
Coimbatore. .. 3rd Respondents in WP 2803 /16

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 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 in all WPs : Mr.R.S.Pandiyaraj

For Respondents in all WPs : Ms.V.Revathy,

for Mr.Abul Kalam

Standing Counsel, TNEB

C O M M O N O R D E R

It is not in dispute that the controversy in the Writ Petitions is the subject matter of Writ Appeals in W.A.Nos.2539 & 2540 of 2018, which are said to be pending.

2. In the interregnum, pursuant to the interim arrangement arrived at by the Hon'ble Division Bench in its order dated 19.11.2018, W.P(MD)No.9253 to 9255 of 2014 etc., batch has been disposed of on 05.02.2020 with the following directions:-

"5.In the interest of uniformity and consistency, the following directions are passed in the matter as well:-

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the writ appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the writ appeals succeed, subject to the orders / observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum."

3.The learned counsel appearing for the parties had not disputed the above factual position. Hence, these Writ Petitions are disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

jv

To-

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

5.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO,
Salem.

6.The Superintending Engineer,
TANGEDCO
Coimbatore North Electricity Distribution Circle,
Coimbatore.

+4ccs to Mr.R.S.Pandiyaraj, Advocate SR.No.42408

W.P.Nos.2801, 2802, 2803 & 2804 of 2016
and connected Miscellaneous Petitions

MG (CO)
GMY (20/07/2022)