

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15422 of 2022
and
W.M.P.No.14665 of 2022

Century Energy Trading LLP
Indian Chamber Buildings
1st Floor, No.6, Esplanade,
Chennai - 600 108.

.. Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited,
Rep. by its Chairman cum Managing Director,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
3. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
5. ABI Showatech (I) Pvt. Ltd.,
67, Chamiers Road, R.A.Puram,
Chennai - 600 028.
6. The Superintending Engineer,
TANGEDCO,
Vellore Electricity Distribution Circle,
Vellore - 632 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondents and their men, agents not to collect current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.26,14,772/- (Rupees Twenty Six Lakhs Fourteen Thousand Seven Hundred and Seventy Two only) payable to the petitioner towards encashment of banked units generated by petitioner's WEGs bearing HTSC No.1723 (New No.039224340896) in terms of the Tariff Orders, Energy Wheeling Agreements dated 31.07.2015 & 12.04.2018 and the judgment of this Court in WP.No.6776 of 2020 and batch dated 28.10.2021 and interest at 1% per month as on 11.05.2022, along with interest thereon at 1% per month or to give adjustment in the current consumption charges payable by the petitioner at its HTSC 089094121159 (HTSC 1159) till the entire amount is adjusted.

For Petitioner : Mr.R.Parthasarathy
For Respondents : Mr.L.Jaivenkatesh
TNEB [R1 to R4 & R6]

O R D E R

This Writ Petition has been filed for a Mandamus, seeking for adjustment of the current consumption charges payable by the petitioner from and out of the outstanding dues payable to the petitioner by the respondents under the Energy Wheeling Agreement in respect of the petitioner's WEGs bearing HTSC No.1723 (New No.039224340896), in terms of the Tariff Orders.

2. In an identical matter, the following directions were issued by this Court in W.P.No.7053 of 2022 dated 25.03.2022:-

"..... 3. I have had an occasion to consider the similar issue in W.P.Nos.1578 of 2022 and batch and referring to earlier orders passed by this Court in W.P.No.6776 of 2018 and 27559 & 27564 of 2021 dated 28.10.2021 and 22.12.2021 respectively, have passed the following order:

"Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)

from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward.

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.

7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel would request the

Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.

8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.""

3. In terms of the above mentioned order of this Court dated 25.03.2022, the mandamus sought for, is granted and this Writ Petition is disposed of, in terms thereof. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Sni

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
2. The Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
3. The Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

5. The Superintending Engineer,
TANGEDCO,
Vellore Electricity Distribution Circle,
Vellore - 632 006.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.38513

W.P.No.15422 of 2022

RLD[co]
NSK/12/07/2022