

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.16068 OF 2022

AND

W.M.P.NO.15394 OF 2022

M/s. Sakthidaran Spintex Mills Pvt.Ltd.
No.168/5A, Kozhikkainathan Road,,
Opp. Weavers Colony,
Tiruchengode - 637 211, Namakkal
Repd. by its Authorized Signatory
T.Manickavasagam

... Petitioner

-Vs-

1. Tamil Nadu Electricity Regulatory
Commission repd. 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. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Namakkal, Electricity Distribution Circle,
Namakkal.
5. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.57,29,693/- (for the year 2018-2021) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.Abul Kalam,
Standing Counsel for TNERC

O R D E R

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. The petitioner has entered into an Energy Wheeling Agreement with the respondents. According to the petitioner, the respondents have not paid the outstanding dues under the said Energy Wheeling Agreement. According to the petitioner, the respondents are due and payable to them a sum of Rs.57,29,693/- for the year 2018-2021. Since the respondents have not paid the outstanding dues, the petitioner seeks for adjustment of the outstanding amount from and out of the current consumption charges that will have to be paid by the petitioner in future.

3. Similarly placed consumers as that of the petitioner had filed a batch of writ petitions and by order dated 28.10.2021 in W.P.No.6776/2018 batch, this Court directed the respondents to adjust the outstanding amount payable to the petitioners towards the current consumption charges/ open access charges payable by the respective petitioners in those writ petitions in the future. The petitioner seeks for similar direction from this Court.

4. The learned Standing Counsel appearing for the respondents has also not raised any serious objection, if similar direction is issued by this Court. Accordingly, this Writ Petition is disposed of by directing the respondents to adjust the outstanding amount due and payable to the petitioner under the Energy Wheeling Agreement towards the current consumption charges/open access charges payable by the petitioner in the future. As directed in the batch of writ petitions, the respondents shall also not take any coercive steps to disconnect the electricity connection of the petitioner

until the outstanding amount due and payable is completely adjusted towards the current consumption charges/ open access charges payable by the petitioner.

5. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

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 Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Namakkal, Electricity Distribution Circle,
Namakkal.
5. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.40411

W.P.No.16068 of 2022

GPL(CO)
RLP(13/07/2022)