

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.38628 of 2016

and

W.M.P.Nos.33084 to 33086 of 2016

M/s. Wonjin Auto Parts India Private Limited
Rep. By its J.E.M. William
Having its registered office at
Plot No.A1 K, CMDA Industrial Complex,
Maraimalai Nagar 603 209.

...Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited,
Rep. By its Chairman,
144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Chengalpattu - Distribution Circle,
Chengalpattu.
4. Accounts Officer,
TANGEDCO,
Chengalpattu - Distribution Circle,
Chengalpattu.
5. Tamil Nadu Electricity Regulatory Commission,
Rep. its Secretary,
No.19A, Rukmini Lakshmi pathy Salai,
Egmore, Chennai - 600 008.
6. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai 600 002.

7. M/s. TCP Limited,
TCP Sapthagiribhavan
No.4, Karpagambal Nagar,
Mylapore, Chennai 600 004.

.. Respondents

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, 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 and consequently direct the 1st to 6th respndents to refund the entire amount of Rs.8,84,210 that has so far accrued to the petitioner on account of withdrawal of the deemed demand benefit to the petitioner's HT SC 463 between the period of January, 2016 till date together with subsequent amounts for the subsequent periods till the disposal of the writ petition and interest.

For Petitioner : Mr.R.Parthasarathy

For Respondents : Mr. Abul Kalam, for 1 to 4 & 6

O R D E R

It is not in dispute that the controversy in the Writ Petition 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, the Writ Petition is disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Chengalpattu - Distribution Circle,
Chengalpattu.
4. Accounts Officer,
TANGEDCO,
Chengalpattu - Distribution Circle,
Chengalpattu.
5. The Secretary
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

6. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai 600 002.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.40329

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EV(CO)
UMA(28/07/2022)