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W.P. No.17227 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.17227 of 2022

and

WMP No.16514 of 2022

M/s.Sri Balamurugan Modern Rice Mill,
No.88/A-2, Durugam Road,
Kallakurichi – 606 202
Represented by its
Partner – Sathish Kumar

...Petitioner

VS.

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukmini Lakshmi pathy 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,
Kallakurichi Electricity Distribution Circle / North,
Kallakurichi.



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5. The Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle / North,
Virudhunagar. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.029094170050 until the respondent makes payment of the outstanding dues of Rs.11,13,972/- (for the period from October 2020 to March 2021 and April 2021 to March 2022) 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.L.Jaivenkatesh
TNEB

ORDER

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



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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.11,13,972/- (for the period from October 2020 to March 2021 and April 2021 to March 2022). 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



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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.

07.07.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



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ABDUL QUDDHOSE, J.

vsi2

To

1. The Secretary,
Tamil Nadu Electricity Regulatory
Commission
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(Marshall's Road)
Egmore, Chennai – 600 008.

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