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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.20321 of 2014

and

MP.No.1 of 2014

M/s.Dhandapani Steel Pvt., Ltd.,
Rep. by its Executive Director Mr.B.Olivannan,
106-B, Kongu Engineering College Road,
Pitchandapalayam Post,
Perundurai-638 052, Erode District.

...Petitioner

-Vs.-

- 1.Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep. by its Chairman & Managing Director,
No.144, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
Erode Electricity Distribution Circle, 948,
E.V.N. Road, Erode-638 009.
- 3.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet.
- 4.The Superintending Engineer,
Dindugal Electricity Distribution Circle,
Dindugal.
- 5.The Superintending Engineer,
Dindugal Electricity Distribution Circle,
Tirupur.

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records of the 2nd respondent comprised in his impugned letter Lr.No.A/Cs/Br/AO/HT/A5/F.HTSC.383/D.805/2014 dated 10.07.2014 and quash the same as arbitrary, illegal and



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contrary to the provisions of the Electricity Act 2003, Tariff Orders and the Energy Wheeling Agreements entered into between the petitioner and the respondents.

For Petitioner : Mr.Kalyanaraman
for M/s.Aiyar & Dolia

ORDER

This writ petition has been filed to quash the order of the second respondent issued in his Letter No.A/Cs/Br/AO/HT/A5/F.HTSC.383/D.805/2014 dated 10.07.2014.

2. The learned counsel appearing for the petitioner Mr.Kalyanaraman would submit that the petitioner was already accorded permission by the fifth respondent for change in usage of wind energy and the approvals have granted on 03.11.2012, 08.11.2012 and 17.12.2012. The petitioner entered into two Energy Wheeling Agreements with the respondents. While so, the impugned order came to be passed without affording an opportunity for the petitioner. It is also stated that out of the total payment of Rs.19,42,401/, the petitioner deposited 25% of the amount to comply the order of this Court dated 31.07.2014 and another 25% to comply the order dated 15.09.2015.

3. In the counter affidavit, it has been stated that the petitioner has not fulfilled 51% self-consumption criteria at the fake end of the banking period and not complying the consumption criteria would defeat the object of the Rules and Acts.

4. Heard the submissions of the learned counsel for the petitioner and perused the materials available on record.

5. In the instant case, perusal of the impugned order passed by the second respondent shows that the demand was made as per the clarification orders. The units available in banking as on 31.12.2012, there is no material to show that before making the demand, the petitioner has given opportunity of being heard. Hence, the impugned letter in Letter No.A/Cs/Br/AO/HT/A5/F.HTSC.383/D.805/2014 dated 10.07.2014 is set aside on the sole ground of violation of principles of natural justice. The second respondent shall pass orders afresh after providing opportunity to the petitioner, in accordance with law.



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6. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
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E.V.N. Road, Erode-638 009.
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Dindugal.
- 5.The Superintending Engineer,
Dindugal Electricity Distribution Circle,
Tirupur.

+1 CC to M/s. Aiyar and Dolia, Advocate sr 24862.

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SKM(CO)
SP(12/05/2022)