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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-02-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.33186 OF 2014

AND

M.P.NO.1 OF 2014

The Shiva Texyaran Ltd.,
(Unit II),
HT SC No.351,
S.F.No.371/5, Paruvai Post,
Karadivavi Road,
Karanampettai,
Coimbatore - 641 658,
Represented by its Manager,
V.Suresh.

... Petitioner

.Vs.

1. The Tamil Nadu Electricity
Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
Represented by its Chairman
and Managing Director,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Financial Controller-Revenue,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
4. The Accounts Officer/Revenue,
TANGEDCO,
Coimbatore Metro Distribution Circle,
Coimbatore.

... Respondents



PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his impugned CC Bill No.351 dated 02.12.2014 in so far as it relates to the levy of banking charges towards a sum of Rs.22,43,507/- under Serial No.19 'Other Adjustment' and quash the same as illegal, arbitrary, without the authority of law and consequently forbear the fourth respondent, their men, officers, agents, servants, representatives and/or any one claiming through or under them and or any other person from in any manner levying, demanding and or collecting banking charges at 94 paise from the petitioner for their HTSC No.351 either through the CC Bills or in any other manner, till such time that the first respondent reconsiders the computation of banking charges as directed by the APTEL, New Delhi in its order dated 24.05.2013 in Appeal No.208 of 2012.

For Petitioner : Mr.S.P.Parthasarathy

For Respondent-1 : No Appearance

For Respondents : Mr.M.Abdul Kalam
2 to 4 Standing Counsel
For TANGEDCO

O R D E R

The Current Consumption Bill dated 02.12.2014 issued by the fourth respondent, is under challenge in the present writ petition.

2. The impugned order has been passed based on the Circular issued by the TANGEDCO on 22.08.2013.

3. The Circular relating to comprehensive tariff order in respect of 'Wind Energy' had been recalled and a fresh Circular Memo has been issued by the TANGECO in Circular Memo No.CFC/REV/DFC/REV/AS.3/D. No.384/17 dated 03.10.2017.

4. Thus the impugned order is to be reviewed by the Competent Authorities based on the subsequent Circular dated 03.10.2017 issued during the pendency of the present writ petition.

5. The learned counsel for the petitioner relied on the paragraph 8.0 of the circular dated 03.10.2017, which reads as under:-



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"8.0. Further, it is stated that while revising the CC bills from 01.08.2012 to 31.03.2016 in respect of the wind energy captive user, if any refund of banking charges and other charges arising, the same may be allowed for adjustment in the ensuing CC bill(s) in 10 instalments. Similarly, if any collection of CC charges is arising, the same shall be collected separately by issuing separate demand with 15 days' notice and if not paid, the same may be included in the ensuing CC bill after giving appropriate notice to the respective consumers. Instalments if any requested can be acted up on suitably without exceeding three monthly instalments."

6. In view of the Circular issued during the pendency of the present writ petition, the order impugned dated 02.12.2014 issued by the fourth respondent, is directed to be reviewed and a fresh order is to be passed extending the benefit of the Circular dated 03.10.2017 to the petitioner. The said exercise is directed to be completed, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary,
The Tamil Nadu Electricity
Regulatory Commission
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman and Managing Director,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.



3. The Chief Financial Controller-Revenue,
TANGEDCO,
144, Anna Salai,
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4. The Accounts Officer/Revenue,
TANGEDCO,
Coimbatore Metro Distribution Circle,
Coimbatore.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.8511

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KG(CO)
PBS/28/02/2022