



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.33788 of 2014

&

M.P.No.2 of 2014

Shiva Texyran Ltd., HTSC No.84,
Registered Office: 252, Mettupalayam Road,
Coimbatore - 641 043.
Represented by its Manager,
A.Sankar

...Petitioner

Vs.

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

...Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his impugned memo bearing Lr.No./CFC/FC/DFC/AAO.HT/AS.3/D.No.118/13, dated 22.08.2013 and the consequential impugned CC Bill No.84, dated 01.12.2014 issued by the fourth respondent in his insofar



as it relates to the levy of banking charges towards a sum of Rs.10,24,458/- under Serial No.19 'Other Adjustment' quash the same as illegal, arbitrary, without the authority of law and against the orders of the Hon'ble APTEL in Appeal No.197 of 2012 and consequently forbear the fourth respondent, their men, officers, agents, servants, representatives and/or any one claiming through or under them and/or 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.84 either through the CC Bills or in any 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.197 of 2012.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.M.Abul Kalam

ORDER

Heard Mr.R.S.Pandiyaraj, learned counsel for the petitioner; Mr.M.Abul Kalam, learned counsel for the respondents and perused the materials available on record.

2. The learned counsel for the petitioner would state that this Writ Petition has been filed challenging the Circular issued by the third respondent dated 22.08.2013 and the consequential bill issued by the fourth respondent dated 01.12.2014, based on the said Circular. According to the learned counsel, the Circular as well as the bill were issued contrary to the order passed by the Appellate Tribunal for Electricity in Appeal No.197 of 2012.

3. The learned counsel further submitted that subsequently the third respondent has issued a fresh Circular on 03.10.2017 based on the Tribunal's order and the relevant paragraph of the Circular dated 03.10.2017 is extracted hereunder:-

"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."

4. In view of the Circular issued during the pendency of the present writ petition, the order impugned dated 01.12.2014 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.

5. 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission
19-A, Rukmani Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
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, Dindigul Distribution Circle,
Dindigul.

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NSK 04/04/2022