

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.7189 of 2016

and

W.M.P.Nos.6382 & 6383 of 2016

1. Selvakumar Spinners (P) Ltd., HTSC No.171,
No.10/3, Selvanagar, Kollankovil Village,
Thandampalayam Polst, Sivagiri Via.,
Erode District - 638 109.
Rep. by its Executive Director P.Praveen.
2. K.A.S.Industries India (Pvt.) Limited, HTSC No.313
Naneepalayam, Thanneer Panthal,
Vellore (Via), Perundurai Taluk,
Erode - 638 112,
Rep. by its Manager M.Mohamed Aslam.

...Petitioners

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. Chief Financial Controller/Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution Circle,
Erode.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

..Respondents

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.

For Petitioners : Mr.R.S.Pandiyaraj
For Respondents : Ms.V.Revathy,
for Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

It is not in dispute that the controversy in the Writ Petitions 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 do not dispute the above factual position. Hence, these Writ Petitions are disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dsa

To-

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

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.40416

W.P.No.7189 of 2016

AJB[co]
NSK/15/07/2022