IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022
CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.25752 of 2014
&
M.P.Nos.1 to 3 of 2014

M/s. DCW Limited
Rep. by its Senior General Manager (Electrical)
358, Anna Salai,
Thousand Lights,
Chennai - 600 006 ...Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited,
   Rep by its Managing Director,
   800, Anna Salai,
   Chennai - 600 002

2. The Superintending Engineer,
   Tuticorin Electricity Distribution Circle,
   Ettayapuram Road,
   Tuticorin - 628 002 ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned demand notice of the 2nd respondent in Lr. No. SE/TEDC/TTN/DVT/AEE/DVT/AE/DVT /F.HT.Doc./D.No.1149/14 dated 27.08.2014 and quash the same as arbitrary and illegal and consequently to direct the respondents to sanction the petitioner's request for an additional demand of 6000 KVA in respect of its HT SC No. 242.

For Petitioner	:	Mr.Rahul Balaji
For Respondents	:	Mr.L.Jai Venkatesh For [TANGEDCO]

O R D E R

The petitioner company submitted an application for providing additional load as they have a proposal for expansion of their plants.

2. When the application submitted by the petitioner was taken into consideration the respondent / authorities passed an impugned order stating that audit objections are pending in

respect of the HTSC No.242 and their sister concern HTSC No.12, 6, 59 at various stages.

3. Thus, the respondents made a request to the petitioner to remit the pending audit arrears, within 15 days for the purpose of considering their application for providing additional power load. Under these circumstances, the petitioner approached this Court.

4. The issue raised is that, whether the application for additional load shall be considered when audit objections are pending and the petitioner was asked to settle the audit arrears?

5. The learned counsel for the petitioner made a submission that in respect of the audit objections, the petitioner company submitted their reply elaborately. However, those explanations submitted by the petitioner are yet to be considered. Thus, there is a delay on the part of the respondent Board, for which the application submitted by the petitioner for providing additional load need not be stalled.

6. This Court is of the considered opinion that the audit objection raised are to be dealt in accordance with law. The petitioner submitted an explanation / reply and the said reply has to be considered for initiation of further actions. As far as the application for providing additional load is concerned, the same may be considered as the petitioner has given separate undertaking to settle liability, if any arises. Final approval from the competent authorities were also placed before the respondents for consideration.

7. Under these circumstances, the respondents are directed to consider the application submitted by the petitioner for providing additional load, strictly in accordance with the Acts, Rules and Regulations in force. As far as audit objections are concerned, the said objections may also be considered separately.

8. However, the additional load to be provided need not be stalled on account of pendency of the audit objection, in view of the fact that the petitioner has already given necessary undertakings to settle the arrears, if any arises.

9. With these directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jeni/kan

To

1. Tamil Nadu Generation and Distribution Corporation Limited,
   Rep by its Managing Director,
   800, Anna Salai,
   Chennai – 600 002

2. The Superintending Engineer,
   Tuticorin Electricity Distribution Circle,
   Ettayapuram Road,
   Tuticorin – 628 002

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.2870

W.P.No.25752 of 2014

PL(CO)
KKV/04/02/2022