IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 25890 of 2014
and
M.P.No.1 of 2014

VKSM Cotton Mills Ltd.,
HT SC No.229,
2/2, Pappampatti Post,
Nadupalayam, Peedampalli Post,
Coimbatore - 641 016
Repd by its Authorised Signatory R.Rajendran ...Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

4. The Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.

5. The Superintending Engineer,
TANGEDCO,
Coimbatore (Metro) Electricity Distribution Circle,
Coimbatore 641 012

6. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet. ...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and /or any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.28,24,150/- along with interest at the rate 1% from due date of the respective bills pertaining to the years 2011-12 and 2012-2013 or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO [For R2 to R4]
No appearance -R1
Mr.M.Abdul Kalam
For TANGEDCO [For R5 and R6]

O R D E R

The relief sought for in the present writ petition is to forbear the respondent and their men, agents from collecting current consumption charges, demand charges and /or any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.28,24,150/- along with interest at the rate 1% from due date of the respective bills pertaining to the years 2011-12 and 2012-2013 or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. It is brought to the notice of this Court that a batch of Special Leave petitions are pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court has passed an interim order dated 31.08.2012, restraining the respondents from taking any coercive steps for disconnecting supply of electricity subject to the petitioner paying all the charges/dues except the tax calculated on the basis of maximum demand.

3. This Court had an occasion to deal with a similar issue in WP No.19104 of 2020 and final orders were passed on 17.02.2021. The relevant portions in the order are extracted hereunder :-

> "5. Mr.N.Damodaran, learned Standing Counsel, who took notice on behalf of the respondents would submit that by following the orders of the Hon'ble Supreme Court, a Division Bench of this Court has disposed of issue on the following terms:-
>
> "In view of the issue raised in the present writ appeal / writ petition being settled against the appellant / petitioner in terms of the Division Bench judgment in W.P.Nos. 159 of 2008 etc.(Batch) decided on 15.06.2012 and thereafter, the Hon'ble Supreme Court having entertained the Special Leave Appeals against the said judgment bearing Special Leave Appeal (Civil) Nos. 24685 to 24719 of 2012 dated 31.08.2012, with an interim direction restraining the respondent from taking any coercive steps for disconnecting the supply of electricity to the premises of the petitioner therein, subject to that petitioner paying all the charges / dues except tax calculated on the basis of maximum demand, it is agreed that the present writ appeal and writ petition be disposed of in terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present appellant and the writ petitioner and the same interim order would continue to enure for the benefit of the writ appeal and writ petitioner during the pendency of the Special Leave Appeals.
>
> 2. Writ Appeal and Writ Petition, accordingly, stand disposed of. No costs. Consequently, W.A.M.P.No. 969 of 2004 stands closed." 6. On the issue of collecting tax on maximum demand charges from the petitioner in the High Tension Service Connection, the Hon'ble Supreme Court and a Division Bench of this Court has already issued a direction, restraining the respondents from taking any coercive steps for disconnecting supply of electricity to the premises of the petitioner subject to the petitioner paying all the charges / dues except tax calculated on the basis of maximum demand."

4. The above order will also enure to the benefit of the petitioner. In view of the same, the present writ petition is disposed of in terms of the interim order passed by the Hon'ble Supreme Court and the subsequent Hon'ble Division Bench order passed in W.A No.547 of 2004 dated 02.06.2015. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

nti/kak

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3. The Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

4. The Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.

5. The Superintending Engineer,
TANGEDCO,
Coimbatore (Metro) Electricity Distribution Circle,
Coimbatore 641 012

6. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

+1cc to Mr.RS.Pandiyaraj, Advocate SR.No.823

GJ(CO)
GMY(20/01/2022)