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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-02-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.8924 of 2016

And

WMP Nos.7937 and 7938 of 2016

K.L.Concast Pvt Ltd Unit II HTSC No.1868,
No.147/1, Periya Obulapuram Village,
Madarapakkam Road,
Gummidipoondi - 601 201 Represented by its
Authorised Signatory Yugandhar

...Petitioner

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,
Chennai North Electricity Distribution Circle,
Chennai.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmi Pathy Salai,
Egmore,
Chennai - 600 008.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent contained in impugned letter No.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.



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For Petitioner : Mr.S.P.Parthasarathy
For Respondents-1to3: Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.
For Respondent-4 : No Appearance

O R D E R

The writ petition has been filed aggrieved by the withdrawal of the concession of the deemed demand charges extended to the petitioner by the respondents.

2. This issue was considered by the learned single Judge of this Court and similar impugned orders were quashed by this Court. Aggrieved by the same, the respondents have preferred an appeal and the same is pending in W.A.Nos.2539 & 2540 of 2018.

3. The Division Bench while entertaining the writ appeal directed the concerned parties to pay 50% of the demand made pursuant to the issuance of the impugned order. The relevant portions in the order passed by the Division Bench are extracted hereunder:

'6. This court has carefully considered the rival submissions and also perused the materials placed. In the light of the stand taken by the Tamilnadu Electricity Regulatory Commission in the counter affidavit in paragraph No.14 in W.P.No.28256 of 2014 etc., batch of writ petitions, coupled with the decision of the said Commission, vide the order dated 31.03.2016 in R.A.No.6 of 2013, this Court is of the considered view that prima facie case has been made out for grant of interim orders.

7. Hence, there shall be an order of interim stay as prayed for till 17.12.2018. It is also brought to the notice of this Court by the learned Advocate General that during the pendency of the writ petitions interim stay has been granted subject to the condition that the writ petitioners pay 50% of the amount demanded within a stipulated time.

8. Therefore, in the light of the above facts and circumstances, and reasons assigned above, this Court is of the considered view that the same arrangement



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SP(22/02/2022)