



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28018 of 2021

and

W.M.P.Nos. 29591 & 29592 of 2021

M/s. KTV Health Food Pvt.Ltd.,
Represented by its Authorized Signatory,
Mr. K.T.V. Kannan,
HT Sc No.1931,
No.69, SIPCOT Industrial Complex,
Gummidipoondi,
Chennai-601 206.

...Petitioner

-vs-

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd
No144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
CEDC, North Distribution Circle,
No.144, Anna Salai,
Chennai-600 002.

...Respondents

Prayer:

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records comprised in the demand notice in Lr.No.SE /CEDC /N /DFC /AO /Rev /AAO /HT/ AS.1 / F.1931/D.2320/2020 dated 23.02.2021 issued by the 2nd respondent and the 2nd Respondent's consequential reply dated 19.03.2021 bearing Lr.No.SE /CEDC /N / DFC/ N /AO /Rev /AAO / HT /F.1931POC/D.2362D./21 and quash the same as being arbitrary and illegal and consequentially direct the respondent not to levy parallel operation charges on the petitioner's generating plants since the same is inapplicable to the petitioner's plant.

For Petitioner : Mr. M. Aravind Subramaniam

For Respondents : Mr. L. Jaivenkatesh,
Standing Counsel



O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the demand notice dated 23.02.2021 issued by the 2nd Respondent and the 2nd Respondents consequential reply dated 19.03.2021 and quash the same and consequently direct the respondent not to levy parallel operation charges on the petitioner's generating plants as the same is not applicable to the petitioner's plant.

2. Learned counsel for the petitioner submits that the issue involved in the present case is pending by way of an Appeal before the Appellate Tribunal for Electricity (APTEL), New Delhi. Further on earlier occasion, this Court disposed of the Writ Petitions granting liberty to the petitioner to file an appeal before the APTEL vide its order dated 21.09.2021 in W.P.Nos.12411 of 2019 & 923 of 2020 etc batch and that the petitioner may also be permitted to file an appeal, which could be posted along with Appeal Nos. 162 of 2020 etc batch.

3. Learned standing counsel for respondents fairly conceded the submission made by the learned counsel for the petitioner.

4. In view of the submission made by the learned counsel for the petitioner that interim order has been granted by this Court granting liberty to the petitioner to file an appeal before the Appellate Tribunal for Electricity (APTEL), there shall be an order of Interim Stay for a period of four weeks and this Court grants liberty to the petitioner to file an appeal before the APTEL, within a period of two weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No Costs. Consequently, W.M.P.No.29591 of 2021 is closed and W.M.P.No. 29592 of 2021 is ordered accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

NHS

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd
No144, Anna Salai,
Chennai-600 002.



2.The Superintending Engineer,
CEDC, North Distribution Circle,
No.144, Anna Salai,
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+1cc to Mr.M.Aravind Subramaniam, Advocate SR. No.102

W.P.No.28018 of 2021
and
W.M.P.Nos. 29591 &
29592 of 2021

GJ (CO)
PR (24/01/2022)