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W.P.No.2694 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.2694 of 2017

&

W.M.P.Nos.2640 and 2641 of 2017

Naga Limited
WEG HTSC No.188
No.1 Tiruchy Road
Dindigul 624 005
Rep. by its Authorised Signatory
M.Rajkumar

... Petitioner

Vs.

1. The Tami Nadu Generation
And Distribution Corporation Ltd.
(tangedco) Rep. By Its Chairman & Managing
Director No.144 Anna Salai Chennai 600 002
- 2 The Account Officer/revenue
Superintending Engineer Office Tangedco
Tirupur Electricity Distribution Circle
Tirupur.
- 3 The Superintending Engineer
Tangedco Dindigul Electricity Distribution
Circle Dindigul.
- 4 Tamil Nadu State Electricity
Regulatory Commission Rep. By Its



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Secretary 19-a Rukmini Lakshmipathy Salai
(Marshalls Road) Egmore
Chennai 600 008

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned Wind Mill Generation statement dated 24.01.2017 in so far as the collection of ABT Meter charges Rs. 1 74 010 issued by the 2nd respondent quash the same and consequently direct the respondents to strictly comply with the order dated 31.03.2016 passed by the Honourable TNERC in M.P. No. 34 of 2014 and permit the petitioner to procure its own ABT Complaint Meters as per the direction of the 4th Respondent.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel

ORDER

Writ petition is filed seeking to call for the records of the impugned Wind Mill Generation statement dated 24.01.2017 in so far as the collection of ABT Meter charges Rs. 1,74,010/- issued by the 2nd respondent quash the same and consequently direct the respondents to strictly comply with the order dated 31.03.2016 passed by the Honourable TNERC in M.P. No. 34 of 2014 and permit the petitioner to procure its own



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ABT Complaint Meters as per the direction of the 4th respondent.

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2. Petitioner is a spinning mill engaged in the manufacturing of cotton yarn. It is the contention of the writ petitioner that even TNERC has permitted the consumer to purchase their own meters at their own cost and the same can be fixed by the board after proper inspection and the meter come within the parameters and specifications of the board. When the petitioner himself has purchased the meter with 0.2 class metering set RC.No.34 , the demand notice has been issued by the respondents claiming a sum of Rs. 1,74,010/-. Challenging the same, the Writ Petition has been filed.

3. Learned counsel appearing for the petitioner would submit that TERC has clearly given a direction that in case, the OA customers opt to procure meters of their own, they are at liberty to do so. In such a case, the OA customers shall procure the meters in accordance with the specifications filed by TANGEDCO in their petition. Accordingly, the petitioner purchased their own meter in line with the TANGEDCO. Despite the same, the demand notice has been issued.



4. Learned counsel for the petitioner submits that during the pendency of the writ petition, the meter purchased by the petitioner was replaced by the board on 13.07.2018. Therefore, the demand raised by the respondents is not maintainable.

5. Learned standing counsel appearing for the respondents would submit that the meter has been fixed by the TANGEDCO. Recording the same, the writ petition can be disposed of.

6. The order of the TNERC reads as follows:

“...

9.6 Having decided the issue of ownership of the meter, the next issue is how to procure these meters. Open access is available to all HT consumers only. Therefore, the metering arrangement would involve use of Cts. Pts, etc. With a view to standardize the entire arrangement it will be appropriate that these meters are procured by the licensee Viz., TANGEDCO. The cost of these meters shall however be borne by the open access customers or generators as the case may be. In case the OA customers opt to procure meters of their own, they are at liberty to do so. In such a case, the



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OA customers shall procure the meters in accordance with the specifications filed by TANGEDCO in their petition. To that extent, the specifications submitted by the TANGEDCO stands approved. A copy of the specifications, as submitted by TANGEDCO, is appended to this order.”

7. It is not disputed that petitioner has purchased the meter pursuant to the above directions. Now the proceedings has been placed before this Court dated 13.07.2018 in letter No.EE/WFP/AEE/MRT/UDT/F.WFSC.No.TPR188/D.No.1373/18. On perusal of the same, the meter purchased by the petitioner was fixed by the board on 13.07.2011. The particulars mentioned in the letter clearly shows that the meter falls within the parameters and specifications of the TANGEDCO. The meter has been fixed therefore demand notice for claiming amount for fixing the meter does not survive. Accordingly, the same is set aside. In view of the subsequent development, the own meter has been fixed, the demand notice is set aside.



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8. With the above direction, the Writ Petition is allowed. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

01.12.2022

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To

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(TANGEDCO) Rep.by its Chairman & Managing
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- 2 The Account Officer/revenue
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Tirupur.
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