



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.7593 of 2010 and

M.P (MD)No.1 of 2011

WEB COPY

Supreme Duplex Board Mills (P) Limited,
represented by its Director, Kumaresan,
Sivakasi-626 123.

... Petitioner

vs.

1.Tamil Nadu Electricity Regulatory Commission,
represented by its Secretary,
19-A, Rukmini Lakshipathy Salai,
Egmore, Chennai - 600 008.

2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the third respondent in his Bill No.230, dated 30.05.2010 insofar as it relates to levy of excess demand charges of Rs.27,88,396/- only without adding the energy and demand purchased from third party by the petitioner and quash the same as illegal, arbitrary and without authority by law.

For Petitioner :Mr.R.S.Pandiyaraj

For Respondents :Mr.S.Deenadhayalan

O R D E R

This Writ Petition has been filed challenging the order, dated 30.05.2010 issued by the third respondent calling upon the petitioner to pay a sum of Rs.27,88,396/-.

2.According to the petitioner, the impugned demand is illegal, as the respondents have not considered the third party power purchase made by the petitioner. It is the case of the petitioner that they have purchased 7200 units per day from the third party power generating company, by name, M/s.Malco Limited,.

3.Admittedly, as seen from the impugned order, the said grievance has not been considered. No opportunity of hearing was



also granted to the petitioner before the impugned bill came to be issued. Hence, the impugned bill has to be necessarily quashed and the matter has to be remanded back to the respondents for fresh consideration on merits and in accordance with law.

4. In similar circumstances, in an order, dated 27.02.2022 passed in W.P.(MD)No.2777 of 2010, in the case of **M/s.Vinhdya Spinning Mills (Private) Limited vs the Tamil Nadu Electricity Regulatory Commission and others**, this Court had quashed the impugned demand on the very same ground and remanded the matter back to the respondents for fresh consideration.

5. Accordingly, the impugned bill, dated 30.05.2010, demanding a sum of Rs.27,88,396/- is hereby quashed and the matter is remanded back to the respondents for fresh consideration and the respondents are directed to pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshipathy Salai,
Egmore, Chennai - 600 008.

2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Virudhunagar.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-9808[F] dated 03/03/2022)
W.P. (MD)No.7593 of 2010
02.03.2022

MGJ(16.03.2022) 2P 5C

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