



W.P(MD)No.13867 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13867 of 2012

and

M.P(MD)Nos.1 of 2012 & 1 of 2013

Sunrays Textiles Process (Pvt) Ltd.,
HT SC No.69,
No.15 Bose Street, Sellur,
Madurai-625 002.
Represented by its Managing Director
P.Rajasekar

... Petitioner

Vs.

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

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

3.The Superintending Engineer,
Madurai/Metro Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Madurai.

... Respondents



W.P(MD)No.13867 of 2012

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the third respondent in Letter No.SE/MEDC/METRO/MDU/DFC/AO/Rev.HT/AS/F.HT 69/D.No. 123/2012 dated 22.08.2012 and quash the same in so far as it relates to short levy of quota cancellation for the period from November 2008 to May 2012 to a sum of Rs.45,58,345, as illegal, arbitrary, without the authority of law and against the Electricity Act 2003.

For Petitioner : Mr.RM.Loganathan
for Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the third respondent, under which a demand of R.45,58,345/- (Rupees Forty Five Lakhs Fifty Eight Thousand Three Hundred and Forty Five only) has been made towards levy of demand and energy charges for the period from November 2008 – May 2012. The said order has been challenged by the writ petitioner on various grounds.



W.P(MD)No.13867 of 2012

2. The third respondent has filed a counter. In Paragraph No.14 of the said counter, the quantum of amount demanded from the writ petitioner has been reduced to Rs.27,80,519/- (Rupees Twenty Seven Lakhs Eighty Thousand Five Hundred and Nineteen only) while considering a revision application said to have been filed by the petitioner. However, the writ petitioner submits that he has not filed any revision application challenging the order impugned in the writ petition.

3. It seems that after passing the impugned order, the respondent authorities have reconciled their amount and arrived at a different figure, namely, Rs.27,80,519/- (Rupees Twenty Seven Lakhs Eighty Thousand Five Hundred and Nineteen only).

4. In view of the above said facts, the order impugned in the writ petition is set aside. This matter is remitted back to the file of the third respondent herein. The third respondent shall pass orders, after giving due opportunity to the writ petitioner. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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W.P(MD)No.13867 of 2012

5. With the above said observations, this Writ Petition is allowed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

06.09.2022

Index : Yes / No
Internet : Yes / No

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To

1.The Secretary,
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(Marshall's Road),
Egmore, Chennai-600 008.

2.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
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3.The Superintending Engineer,
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W.P(MD)No.13867 of 2012

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.13867 of 2012

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