



W.P.(MD)Nos.14462 & 14463 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.14462 & 14463 of 2012

and

M.P.(MD)Nos.1, 1 of 2012

W.P.(MD)No.14462 of 2012

Kannappan Textile Mill Pvt Ltd.,
Shed No.23, 24 & D149
Sidco Industrial Estate
HTSC No.209
Kappalur Sidco Post,
Madurai – 625 008.
Madurai District.
Represented by its Manager
A.Murugesan

... Petitioner

Vs.

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



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2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer, NCES,
144, Anna Salai,
Chennai 600 002.

4. The Superintending Engineer,
Madurai Electricity
Distribution Circle,
TANGEDCO, TNEB,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in his Bill No.209 dated 01.11.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,82,460/- in Serial No.13(f) and quash the same as illegal, arbitrary, without the authority of law, forbear the fourth respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force and consequently direct the fourth respondent to give refund/adjustment of the amount already collected from the petitioner.



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Nagammal Mills Private Limited,
HT SC No.2,
Vettunimadam,
Nagercoil – 629 003,
Kanyakumari District,
represented by its Mill Manager
R.Rameshkumar

... Petitioner

Vs.

1. The 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 Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer, NCES,
144, Annal Salai,
Chennai 600 002.
4. The Superintending Engineer,
Madurai Electricity
Distribution Circle,
TANGEDCO, TNEB,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in his Bill No.2 dated 03.11.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,04,283/- in Serial No.13(f) and quash the same as illegal, arbitrary, without the authority of law, forbear the fourth respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force and consequently direct the fourth respondent to give refund/adjustment of the amount already collected from the petitioner.

(In both cases)

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan

ORDER

These writ petitions have been filed challenging correctness of the impugned bill raised by the respondent Board.

2. A similar issue was questioned by Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission



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and others in I.A.No.736 of 2019 in D.F.R.No.1584 of 2019. The Appellate Tribunal for Electricity by an order, dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the appellant till the next date of hearing.

3. In view of the fact that the interim order, dated, 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association, these writ petitions are disposed of with an observation that no coercive steps shall be taken against the petitioner till the orders are passed by the respondents. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.07.2022

Index : Yes / No
Internet : Yes / No

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represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD)Nos.14462 & 14463 of 2012

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