



W.P(MD)Nos.14466,14468 and 14469 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.14466,14468 and 14469 of 2012

and

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

W.P(MD)No.14466 of 2012:

M/s.Vindhya Spinning Mills Private Ltd.,
HT SC No.175,
12A, Shanmuga Nadar road,
Sivakasi,
Represented by its Director
G.Athipathy.

... Petitioner

Vs.

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

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.



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4.The Superintending Engineer,
Virudhunagar Electricity
Distribution Circle,
TANGEDCO, Virudhunagar.

... 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.175 dated 31.10.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.2,50,113.60/- 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.

W.P(MD)No.14468 of 2012:

Centwin Private Ltd.,
HTSC No.82, V.Pudukottai,
Vedasandur-624 710,
Dindigul District,
Represented by its Electrical Engineer
R.Puviyarasu.

... Petitioner

Vs.

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



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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,
Dindigul Electricity
Distribution Circle,
TANGEDCO, Dindigul.

... 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.82 dated 31.10.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,33,869.60/- 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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W.P(MD)No.14469 of 2012:

Sri Saravana Spinning Mills,
HT SC No.200,
PB.No.83, 329, Sankarapandiapuram Street,
Rajapalayam,
Represented by its Authorised Signatory
J.Baskar.

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory Commission
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshalls's Road), Egmore, Chennai.
- 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,
Virudhunagar Electricity
Distribution Circle,
TANGEDCO, Virudhunagar.

... 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.200 dated



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31.10.2012 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,48,662/- 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.

For Petitioner : Mr.S.P.Parthasarathy
for Mr.R.S.Pandiyaraj
(In all cases)
For Respondents : Mr.S.Deena Dhayalan
Standing Counsel
(In all cases)

ORDER

The present writ petitions have been filed challenging the C.C bills incorporating the excess demand energy charges under Serial No.13.

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



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passed an interim order to the effect that no coercive steps shall be taken against the petitioner Wind Mills 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 in the similar matters as that of the petitioner, this 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 Appellate Tribunal for Electricity(APTEL). No costs. Consequently, connected Miscellaneous Petitions are closed.

30.06.2022

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Index : Yes / No
Internet : Yes / No



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To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
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, Anna Salai,
Chennai-600 002.
- 4.The Superintending Engineer,
Virudhunagar Electricity
Distribution Circle,
TANGEDCO, Virudhunagar.
- 5.The Superintending Engineer,
Dindigul Electricity
Distribution Circle,
TANGEDCO, Dindigul.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)Nos.14466,14468 and 14469 of 2012

Dated:
30.06.2022