



W.P.(MD).No.15696 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15696 of 2012

and

M.P.(MD)Nos.1 and 2 of 2012

M.S.S.Spinners Private Limited,
represented by its Director,
S.R.Vasanthakumar,
S/o.S.Ravindran,
No.60, Udumalai-Palani Road,
Sukamanayakkanpatti,
Palani Taluk,
Dindigul District.

... 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 Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.



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

4.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dindigul Electricity Distribution Circle,
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 4th respondent's Bill No.221, dated 30.11.2012, issued by the 4th respondent in so far as relates to the levy of penalty of excess demand charges to the tune of Rs.57,785.40 in Serial No.13 (F) for the alleged evening peak energy and demand and to quash the same and consequently, to forbear the 4th respondent from levying, demanding and collecting penalty from the petitioner for the alleged excess demand by calculating equivalent demand based on the wind energy adjusted instead of taking wind energy available to the credit of the petitioner for adjustment till the power cut, load shedding are in force and to direct the 4th respondent to give refund or adjustment of the amount already collected from the petitioner from the month of June, 2012 to October, 2012 for the levy of penalty of excess demand charges.

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.S.Deenadhayalan



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ORDER

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The present writ petition has been filed challenging an order passed by the fourth respondent with regard to levy of penalty of excess demand charges and prayed for adjusting the same. The respondents have raised the C.C.bills incorporating the excess demand charges.

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 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



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passed by the Appellate Tribunal for Electricity(APTEL). No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
W.P.(MD).No.15696 of 2012

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