



W.P.(MD).No.16690 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.16690 of 2012

and

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

KSV Cotton Mills (P) Limited,
represented by the Director,
KSV Garden,
Guziliamparam,
Vedasandur Taluk,
Dindigul District-624 703.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by the Secretary,
Department of Energy,
Fort.St.George,
Chennai – 600 009.
- 2.The Tamil Nadu Electricity Regulatory
Commission,
represented by the Secretary,
18-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai – 600 008.
- 3.Tamil Nadu Generation and Distribution,
Corporation Limited,
represented by the Chairman,
No.114 (Old 800), Anna Salai,
Chennai – 600 002.



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- 4.The Director/Operation,
Tamil Nadu Transmission Corporation
Limited,
114 (Old 800), Anna Salai,
Chennai – 600 002.
- 5.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dindigul Electricity Distribution Circle,
M.N.Patty Post,
Dindigul.
- 6.The Deputy Finance Controller,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dindigul Electricity Distribution Circle,
M.N.Patty Post,
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 sixth respondent in November 2012 bill, dated 30.11.2012, regarding HT SC 192 in so far as it related to excess charges in 13(f) for exceeding the limits and to quash the same as illegal, arbitrary, without authority of law and consequentially, to forbear the sixth respondent from taking energy adjusted at consumption and instead of energy available to the entitlement of petitioner at generation point for the purpose of equivalent demand quota calculation during subsequent period all the load shedding is in force during normal and peak hour.



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For Petitioner : Mr.M.Jothi Basu
For R1 : Mr.D.Sasi Kumar
Additional Government Pleader
For R2 to R6 : Mr.S.Deenadhayalan

ORDER

The present writ petition has been filed challenging an order passed by the sixth 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



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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.

04.08.2022

Index : Yes / No
Internet : Yes / No

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To

The Secretary to Government,
Department of Energy,
Fort.St.George,
Chennai – 600 009.



WEB COPY



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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
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