



W.P(MD)No.15739 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15739 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

and

W.M.P(MD)No.2882 of 2019

M/s.Supreme Coated Board Mills (P) Limited,
Represented by its Director K.Kumaresan,
HTSC No.230,
2/2205, Viswanatham Village,
Sivakasi.

... Petitioner

Vs.

1.The Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
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 Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... 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 Certiorari, calling for the records of the third respondent in his Demand Notice Lr.No. SE/VREDC/VDR/AO/Rev/AS/A2/F. BOAB SPL AUDIT/2013, dated 23.08.2013, towards audit short levy and quash the same as illegal, arbitrary, without the authority of law and against the communication, dated 17.07.2009, issued by the second respondent and against the orders of the first respondent made in M.P.No.42 of 2008, dated 28.11.2008, Sou Motu Proceedings No.1 of 2009, dated 28.10.2009, M.P.Nos.6, 9 and 17 of 2010 and DRP No.9 of 2010, dated 07.09.2010 and R A No. 4/2013, dated 25.02.2013.

For Petitioner : M/s.S.Karunakar

For Respondents : M/s.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging a demand notice issued by the third respondent herein, under which, a demand was raised towards the short levy amount of Rs.55,36,890/-.

2. According to the learned Counsel for the petitioner, the issue was decided in favour of the customers by the Hon'ble Supreme Court.



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3. Per Contra, the learned Standing Counsel for the respondents contended that the decision of the Hon'ble Supreme Court relates only to the power of the Electricity Board to refix the energy demand quota. The crucial date for fixing the energy demand has to be clarified only by the Tamil Nadu Electricity Regulatory Authority. Hence, a clarification has been sought for, relating to the period between 2008 to 2010. Since the said issue is pending before the Tamil Nadu Electricity Regulatory Committee, the respondent Board is directed not to precipitate the matter and not to execute and not to implement the penalty imposed in the impugned order in the writ petition.

4. A similar order has been passed by this Court in a batch of writ petitions in *W.P(MD)No.11143 to 11145 and 11364 to 11366 of 2013, dated 21.12.2021* and M.P(MD)No.2 of 2019, is pending before Tamil Nadu Electricity Regulatory Committee.

5. In view of the above said discussion, the respondents are directed not to enforce the demand orders in the writ petition till final orders are passed by Tamil Nadu Electricity Regulatory Committee in



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M.P.(MD)No.2 of 2019. However, after the disposal of the review petition, the respondents are at liberty to initiate appropriate action in accordance with law depending upon the result of the said review petition.

6. With the above said observation, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

20.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Secretary,
The Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
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R.VIJAYAKUMAR, J.

btr

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

Order made in
W.P(MD)No.15739 of 2013

20.09.2022