



W.P(MD)No.16765 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.16765 of 2013

and

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

and

W.M.P(MD)No.17759 of 2016

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

: Petitioner

Vs

1. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmiipathy Salai,
Egmore, Chennai-600 008

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

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

: Respondents



W.P(MD)No.16765 of 2013

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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, calling for the records of the 3rd respondent in his Demand Notice Lr.No. SE/VDR/AO/Rev/AS/A 2/D.701/2013 dated 22/08/2013 and his consequent Bill No. 230 dated 30/09/2013 in so far as it relates to levy of penalty in the form of excess charges of Rs.34,10,575/- in Serial No. 20 as illegal, arbitrary, without the authority of law and direct the 3rd respondent to pass a fresh order after considering the objections dated 26/08/2013 and 23/09/2013 filed by the petitioner.

For Petitioner : Mr.N.Sundalai Muthu

For Respondents : Mr.S.Deenadhyalan

Standing Counsel

ORDER

The present writ petition has been filed challenging the demand notice issued by the third respondent, under which, they have demanded a sum of Rs.34,10,575/- from the petitioner company on the alleged ground that the



W.P(MD)No.16765 of 2013

petitioner company has not drawn power from the third party during the load shedding hours.

2. According to the learned Counsel appearing for the petitioner, they have drawn power from the TANGEDCO. Even assuming that they would have drawn more power from the TANGEDCO, they would have paid the current consumption charges for the same. The present impugned order is in the nature of penalty, which has been passed without issuing any show cause notice to the petitioner. He further submits that the order impugned in the petition relies upon the CMRI Data, which was not furnished to the petitioner.

3. Having regard to the fact that the order impugned in the petition has been passed without issuing any show cause notice or conducting an enquiry, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the third respondent. The third respondent is directed to furnish CMRI Data to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The petitioner company shall submit its explanation to the third respondent within a period of six weeks thereafter.



W.P(MD)No.16765 of 2013

4. With the above directions, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

28.09.2022

Index : Yes / No

Internet : Yes/ No

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To

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W.P(MD)No.16765 of 2013

R.VIJAYAKUMAR, J.

lr

W.P(MD).No.16765 of 2013

28.09.2022