



W.P(MD)No.20162 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20162 of 2013

and

M.P(MD)Nos.1 of 2013 & 1 of 2015

M/s.Sri Ramalinga Mills Limited,
Represented by its Chairman T.R.Dhinakaran,
HT SC No.259,
212, Ramasamy Nagar,
Aruppukottai.

... 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 Director (Finance),
Accounts Branch, Revenue Division,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai-600 002.



W.P(MD)No.20162 of 2013

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

5.The Assistant Audit Officer,
BOAB/Audit Party 1, Tirunelveli Region,
Tamil Nadu Generation and Distribution
Corporation Limited, Tirunelveli-11.

... Respondents

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.Mo SE/VEDC/VDR/AO/Rev/AS/Asst 5F.BOAB AUDIT/2013/D No.262, dated 25.04.2013 and Lr Mo SE/VEDC/VDR/AO/Rev/AS/Asst 5F.BOAB AUDIT/2013/D No.261, Dated 25.04.2013 and the consequent Bill No.259, dated 03.12.2013 in so far as it relates to levy of penalty in the form of exceeding demand and energy charges under the head of other adjustments for Rs.6,75,80,052-/ in Serial No.19 towards audit short levy and quash the same as illegal, arbitrary, without the authority of law and against the orders of the first respondent made in M.P.No.42 of 2008, dated 28.11.2008, Suo Motu Proceedings No.1 of 2009, dated 28.10.2009, D.R.P.Nos.13 and 14 of 2010, dated 14.03.2011, M.P.Nos.6, 9 and 17 of 2010 and DRP No.9 of 2010, dated 07.09.2010, RA No.4/2013, dated 25.02.2013 and R.A.No.2/2013, dated 29.01.2013.

For Petitioner : M/s.S.Karunakar

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



W.P(MD)No.20162 of 2013

WEB COPY

ORDER

The present Writ Petition has been filed challenging the penalty imposed for the petitioner for exceeding the refixed energy demand quota.

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

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.



W.P(MD)No.20162 of 2013

WEB COPY

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 the Tamil Nadu Electricity Regulatory Committee in 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.

13.10.2022



W.P(MD)No.20162 of 2013

Index : Yes / No

Internet : Yes / No

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W.P(MD)No.20162 of 2013

R.VIJAYAKUMAR, J.

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Order made in
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