



W.P(MD)Nos.17069 & 17070 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.17069 & 17070 of 2014

and

M.P(MD)Nos.1,1,2,2 & 3 of 2014

M/s.Supreme Coated Board Mills (P) Limited,
HTSC No.230,
Represented by its Director
Kumaresan.

... Petitioner
(In W.P(MD)No.17069 of 2014)

M/s.Tamil Nadu Jaibharath Mills Limited,
HTSC No.156,
Represented by its Authorized Signatory
P.Mohan.

... Petitioner
(In W.P(MD)No.17070 of 2014)

Vs.

1.Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai,
Chennai-600 002.

2.The Chief Financial Controller/Revenue,
TANGEDCO,
144, Sanna Salai,
Chennai-600 002.



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

4.Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents
(In both cases)

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the second respondent contained in Impugned Letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.N.Sudalaimuthu
(In both cases)

For Respondents : Mr.S.Deena Dhayalan
Standing Counsel
(In both cases)

COMMON ORDER

The present writ petitions have been filed challenging the circular dated 29.07.2013, under which, the Grid Availability Charges and Deemed Demand Charges were made.



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2. A batch of Writ Petitions arising a similar issue was allowed by this Court in favour of the consumers, which are now pending in Writ Appeals in W.A.Nos.2539 and 2540 of 2018. While the Writ Appeals are pending, this Court in a batch of Writ Petitions in W.P(MD) Nos.14476 of 2013 etc., has passed an order on 26.02.2020. In paragraph No.7 of the said order, the learned Single Judge has passed an interim order pending Writ Appeal. Paragraph No. 7 of the order reads as follows:-

“7. Considering the submissions of either side and in light of the facts coupled with the interim order passed by the Division Bench, these writ petitions are disposed of with the following directions:

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the Writ Appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the Writ Appeals



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succeed, subject to the orders/ observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.

3. The learned counsel appearing on either side admitted that the petitioner is also similarly placed, in which, as that of the respondents in the Writ Appeals.

4. In view of the above said facts, the following order is passed:

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the Writ Appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the Writ Appeals succeed, subject to the orders/ observations of the Division Bench.



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(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.

5. In view of the the above said directions, both the Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

31.10.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)Nos.17069 & 17070 of 2014

Dated:
31.10.2022