



W.P(MD)No.12630 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.11.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12630 of 2015

and

M.P(MD)No.1 of 2015

Vijay Spinners,
HT SC.No.223, P.B.No.18A,
Pugazhendi Road,
Rajapalayam-626 117,
Virudhunagar,
Represented by its Manager M.K.Suresh

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmi pathy Salai,
(Marshall's Road),
Egmore, Chennai-600 008.
- 2.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.



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4.The Accounts Officer/Revenue,
TANGEDCO,
Virudhunagar Eletricity Distribution Circle,
Virudhunagar.

... Respondents

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 4th respondent in his impugned CC bill dated 01.07.2015 in so far as it relates to a sum of Rs.12,18,326/-in Item No.16 'Cross Subsidy Surcharge' and quash the same as illegal, arbitrary without the authority of law and against Electricity Act 2003.

For Petitioner : Mr.RM.Loganathan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging the inclusion of Cross Subsidy Surcharge in the current consumption charges to an extent of Rs.12,18,326/- (Rupees Twelve Lakh Eighteen Thousand Three Hundred and Twenty Six only).

2. The learned counsel for the petitioner and the respondents in unison submitted that the issue raised in the present writ petition stands



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covered by the judgment of this Court in **W.P.No.24889 of 2012** dated

10.02.2022, wherein it was observed as under:

“2. By impugned G.O.(Ms). No. 79 Energy (C3) Department dated 11.07.2012, Government had cancelled the temporary waiver of cross subsidy surcharges and made demands from the HT consumers like the petitioner. The said G.O.(Ms). No. 79 dated 11.07.2012 was challenged before this Court in WP. No. 23113 of 2012. This Court, by order dated 30.11.2012, quashed the impugned G.O.(Ms). No. 79, against which, writ appeal was filed by the respondents in W.A.No.1257 of 2012. The Hon-ble Division Bench of this Court, by its order dated 24.09.2014, disposed of the writ appeal with certain directions. Aggrieved over the same, the Southern India Mill Owners- Association and TANGEDCO have preferred an appeal and cross~objection before the Honble Supreme Court in S L A . (C). No. 15662 of 2015. The Hon-ble Supreme Court by its order dated 29.07.2015 has directed the parties to maintain status~quo till the orders to the contrary. Now that the matter is subjudiced, status~quo is maintained by the parties concerned.

4. The learned counsel appearing for the parties would submit that the writ petition may be disposed of, subject to the out come of the judgment of the Hon-ble Supreme Court in the above matter. Considering the facts and circumstances of the case, this writ petition stands disposed of, subject to the result of S L A (C). No. 15662 of 2015. The parties shall maintain status~quo till such time. No costs. Consequently, connected miscellaneous petitions are closed.”

3. In view of the same, the present writ petition is disposed of on the above terms viz., parties shall maintain status quo until disposal of the issue by the Hon'ble Supreme Court. No costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2022



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Index : Yes / No

Internet : Yes / No

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Order made in
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