



W.P(MD)No.4614 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4614 of 2014

and

M.P(MD)No.1 of 2014

M/s.Geetha Krishna Spinning Mills Pvt Ltd.,
Represented by its Managing Director
V.K.Subramania Raja.

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission(TNERC),
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai(Marshall's Road),
Egmore, Chennai-600 008.

2.Tamil Nadu Generation and Distribution
Corporation Limited,
Represented by its Chairman and Managing Director,
144, Anna Salai,
Chennai-600 002.

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

... Respondents



W.P(MD)No.4614 of 2014

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent culminating in the Bill No. 139 dated 03.03.2014 issued for the petitioner's HT SC No. 139 in so far as it relates to levy of penalty in the form of excess demand charges of Rs. 71,460/- in Serial No.13(f) of the said Bill, quash the same as illegal, arbitrary, without jurisdiction and authority of law, direct the third respondent to refund all amounts so collected from the petitioner and consequently forbear the second and third respondents from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till power cut and load shedding are in force.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.S.Deena Dhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging the C.C bills incorporating the excess demand energy charges under Serial No.13.

2. A similar issue was questioned by Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission



W.P(MD)No.4614 of 2014

and others in I.A.No.736 of 2019 in D.F.R.No.1584 of 2019, the Appellate Tribunal for Electricity by an order, dated 24.07.2019 has passed an interim order to the effect that no coercive steps shall be taken against the petitioner Wind Mills till the next date of hearing.

3. In view of the fact that the interim order, dated, 24.07.2019 has been passed by the Appellate Tribunal for Electricity in favour of the Tamil Nadu Spinning Mills Association in the similar matters as that of the petitioner, this writ petition is disposed of with an observation that no coercive steps shall be taken against the petitioner till the orders are passed by the Appellate Tribunal for Electricity(APTEL). No costs. Consequently, connected Miscellaneous Petition is closed.

30.06.2022

gbg

Index : Yes / No
Internet : Yes / No



W.P(MD)No.4614 of 2014

To

WEB COPY

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



WEB COPY



W.P(MD)No.4614 of 2014

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P(MD)No.4614 of 2014

Dated:
30.06.2022