



W.P(MD)No.544 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.544 of 2014

and

M.P(MD)No.1 of 2014

Moons Spinners Limited,
HTSC No.102,
Kalakad Road, Soorangudi,
Tirunelveli District-627 108,
Tirunelveli District,
Represented by its Manager,
K.Ravikumar

... Petitioner

Vs.

- 1.The Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai-600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144,
Anna Salai,
Chennai-600 002.
- 3.The Chief Engineer, NCES,
144, Anna Salai,
Chennai-600 002.



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4.The Superintending Engineer,
Tirunelveli Electricity,
Distribution Circle,
TANGEDCO, TNEB, Tirunelveli.

... Respondents

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 fourth respondent in his Bill No.102, dated 03.01.2014, in so far as it relates to levy of penalty in the form of excess demand charges of Rs.1,01,155.80/- in Serial No.12(f) and quash the same as illegal, arbitrary, without the authority of law, forbear the fourth respondent from taking energy adjusted instead of energy available to the credit of the petitioner for the purpose of equivalent demand calculation till the power cut, load shedding are in force and consequently direct the fourth respondent to give refund/adjustment of the amount already collected from the petitioner.

For Petitioner : M/s.N.Sudalaimuthu

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

ORDER

The present writ petition has been filed challenging the current consumption bill incorporating the excess demand energy charges under Serial No.12(f).



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2. A similar issue was questioned by the Tamil Nadu Spinning Mills Association against the Tamil Nadu Electricity Regulatory Commission 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). There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.10.2022



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Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
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20.10.2022