



W.P(MD)No.9278 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9278 of 2014

and

M.P(MD)No.1 of 2014

M/s.Naachiar Paper Boards Private Limited,
Represented by its Managing Director,
V.Alagarsamy,
HTSC No.302,
S.F.No.352 & 353, Sevelpatti Village,
Near Vembakottai,
Sivakasi.

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

... Respondents



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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 in Lr. No.SE/VEDC/VDR/DFC/AO/Rev/AS/F.Load shedding / D.No. 436/31/2014, dated 31.05.2014, towards penalty in the form of excess charges for alleged exceeding demand and energy 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 fo 2008, dated 28.11.2008, *Suo Motu* proceedings No.1 of 2009, dated 28.10.2009. T.A Nos.1 to 9 of 2011, dated 28.11.2011 and recently in M.P.No.33 of 2012, dated 11.07.2013.

For Petitioner : M/s.N.Sudalaimuthu

For R-1 : M/s.A.Baskaran
Additional Government Pleader

For R-2 & R-3 : M/s.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging a demand notice issued by the third respondent herein, under which, they have demanded a sum of Rs.11,84,873/- from the petitioner Company on the alleged ground, that the petitioner Company has not drawn power from the third party during the load shedding hours, but they have drawn power only from the TANGEDCO.



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2. According to the learned Counsel appearing for the petitioner, they have not drawn power from the TANGEDCO. Even assuming that they have drawn more power from the TANGEDCO, they would have paid the current consumption charges for the same. The present impugned order is in the nature of penalty, which has been passed, without issuing any show cause notice to the writ petitioner. He further submits that the order impugned in the petition relies upon the CMRI data, which was not furnished to the petitioner.

3. Having regard to the fact that the order impugned in the petition has been passed, without issuing any show cause notice or conducting an enquiry, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the third respondent. The third respondent is directed to furnish CMRI data to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner Company shall submit its explanation to the third respondent within a period of six weeks thereafter.



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4. With the above directions, the writ petition stands allowed.

There shall be no order as to costs. Consequently, connected
Miscellaneous Petition stands closed.

21.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Secretary,
The Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
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- 3.The Superintending Engineer,
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TANGEDCO, Virudhunagar.



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R.VIJAYAKUMAR, J.

btr

Order made in
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21.11.2022