



W.P(MD)No.2022 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2022 of 2015

and

M.P(MD)No.1 of 2015

M/s.Sripathi Paper and Board Private Ltd.,
HTSC.No.210,
Represented by its Authorised Signatory
M.Samayakaruppasamy.

... Petitioner

Vs.

- 1.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 Chief Engineer,
NCES,
144, Anna Salai,
Chennai-600 002.



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

... Respondents

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 fourth respondent in his Bill No.210 dated 1.2.2015 in so far as it relates to levy of penalty in the form of excess demand charges of Rs.2,28,981/- in Serial No.12(f) 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 : Mr.N.Sudalai Muthu

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.12.



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2. A similar issue was questioned by 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). No costs. Consequently, connected Miscellaneous Petition is closed.

30.06.2022

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.2022 of 2015

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