



W.P(MD)Nos.23845 & 21945 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.23845 & 21945 of 2019

and

**W.M.P(MD)Nos.18705, 18708, 18711,
18713, 20465 & 20466 of 2019**

W.P(MD)No.23845 of 2019:

Trichy Cold Storage (P) Limited,
Represented by its
Managing Director,
S1/3, SIDCO Industrial Estate,
Thuvakudi,
Trichy – 15.

... Petitioner

Vs

1.Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
Represented by its
Chairman,
800, Anna Salai,
Chennai – 600 002.

2.The Chief Internal Audit Officer /
BOAB Audit,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
800, Anna Salai,
Chennai – 600 002.



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3.The Chief Financial Controller /
Regulatory Cell,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
800, Anna Salai,
Chennai – 600 002.

4.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
West / Thuvakudi,
Trichy.

5.Tamil Nadu Electricity
Regulatory Commission,
Represented by its
Secretary,
RuckmaniLakshmipathi Road,
Egmore,
Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records comprised in the internal Communication in U.O.No.CFC/Reg.Cell/FC/SE/RC/F. Tariff Clarification/D.No.17/19 dated 19.01.2019 issued by the third respondent and the consequential demand notice issued by the fourth respondent in Ka.No.U.So.Po.(Sa)/E and Ko/West/Thu.Kudi/A.No.33/2019 dated 10.06.2019 and quash the same as wholly without jurisdiction, illegal, arbitrary and consequently direct the first to fourth respondents to continue to treat the petitioner's LT Sc.No. 236-003-1070 as falling under LT Tariff III-B.



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For Petitioner : Mr.Raguvaran Gopalan
for Mr.Parthasarathy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

W.P(MD)No.21945 of 2019:

Association of Cold Storages
A Registered Society (Registration No.41/2013),
Represented by its
Secretary,
No.76/4-A2, Madurai – Dindigul NH,
Thiruvalavaya Nallur Post,
Nagari,
Madurai – 625 221.

... Petitioner

Vs

1.Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
Represented by its
Chairman,
800, Anna Salai,
Chennai – 600 002.

2.The Chief Internal Audit Officer /
BOAB Audit,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
800, Anna Salai,
Chennai – 600 002.

3.The Chief Financial Controller /
Regulatory Cell,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),



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Accounts Branch, 800, Anna Salai,
Chennai – 600 002.

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4. Tamil Nadu Electricity
Regulatory Commission,
Represented by its
Secretary,
RuckmaniLakshmipathi Road,
Egmore,
Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records comprised in the internal Communication in U.O.No.CFC/Reg.Cell/FC/SE/RC/F. Tariff Clarification/D.No.17/19 dated 19.01.2019 issued by the third respondent and quash the same as wholly without jurisdiction, illegal, arbitrary and consequently direct the first respondent to third respondents to continue to treat the LT service connection in respect of the LT service cold storage facilities of the petitioner's members as falling under LT Tariff – IIIB.

For Petitioner : Mr.Raguvaran Gopalan
for Mr.Parthasarathy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

COMMON ORDER

Heard the learned counsel on either side.



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2. The petitioners question the order passed by the Chief Financial Controller / Regulatory Cell of Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO). The matter was referred for adjudication by Tamil Nadu Electricity Regulatory Commission (TNERC). TNERC has since passed order dated 02.02.2021 in T.A.No.1 of 2020. Paragraphs 7.12, 7.13 of the order reads as follows :

“7.12. In view of the above, considering the importance of Cold storage in preserving the food and agricultural products and in resolving the industrial codification issue in line with the tariff categorized in respect of Cold storage units under HT category, we conclude that the „Cold Storage Units" are entitled to be classified under LT category and accordingly shall be classified under LT – III B only.

7.13. TANGEDCO is, therefore, directed to rework the billing of the “Cold storage units” under LT III B from 11-08-2017 and if it is found that therein any excess billing, the same may be refunded to the consumer by way of adjustment in the ensuing bills in equal instalments commensurate with the bi-monthly/monthly CC bills. Ordered accordingly.”



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3. In view of the same, the order impugned in the writ petitions is set aside. These writ petitions are allowed. TANGEDCO is at liberty to rework the bills in the light of and in tune with TNERC is ordered. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.12.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
800, Anna Salai,
Chennai – 600 002.

2.The Chief Internal Audit Officer /
BOAB Audit,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
800, Anna Salai,
Chennai – 600 002.

3.The Chief Financial Controller /
Regulatory Cell,
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO),
Accounts Branch, 800, Anna Salai,
Chennai – 600 002.



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4. The Secretary,
Tamil Nadu Electricity
Regulatory Commission,
RuckmaniLakshmipathi Road,
Egmore,
Chennai – 600 008.



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