



WEB COPY



W.P. No.9047 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9047 of 2020 and
W.M.P.No.11010 of 2020

M/s.Bhuvaneswari Cotspin India Private Limited,
HTSC No.492
S.F.No.839, 840 and 846,
Tiurpur to Kangayam Main road,
Perumalmalai, Arasampalayam (po), Kangayam,
Authorized Signatory R.Ganeshmoorthy

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer-NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai – 600 002.
3. The Chief Financial Controller / Revenue,
TANGEDCO, 7th Floor,
144, Anna Salai,
Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
PALLADAM.



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5. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
UDUMALPET.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 4th respondent's Impugned Letter bearing Lr.No.க.என்.மேபாபொ/பமிவ/ப/துநிகஅ/கஅ(வ)/உமி/கமே/கோ.492/அ.எண்.161/20, dated 20.03.2020 and quash the same as illegal, arbitrary without authority of law, against the Circular Memo dated 19.07.2016 issued by the 2nd respondent under the order of the 1st respondent / Chairman, TANGEDCO.

For Petitioner : Mr.R.S.Pandiyaraj

For TNEB : Mr.L.Jai Venkatesh

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorari to quash the impugned letter bearing Lr.No.க.என்.மேபாபொ/பமிவ/ப/துநிகஅ/கஅ(வ)/உமி/கமே/கோ.492/அ.எண்.161/20, dated 20.03.2020 issued by the fourth respondent against the Circular Memo dated 19.07.2016 issued by the 2nd respondent under the order of the 1st respondent / Chairman, TANGEDCO.



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2. When the matter is taken up for hearing learned counsel for the petitioner submits that the impugned order dated 20.03.2020 issued by the fourth respondent against the Circular Memo dated 19.07.2016 passed by the 2nd respondent under the order of the 1st respondent / Chairman, TANGEDCO which was challenged in this writ petition, were already challenged before this Court in a batch of writ petitions in W.P.Nos.8634 of 2019 etc., batch and this Court by its order dated 17.08.2021, quashed the impugned letters therein and allowed the writ petitions. Therefore, the learned counsel appearing for the petitioner prayed that the similar relief may be granted to the petitioner herein also.

3. Learned standing counsel appearing for the respondents did not dispute the facts submitted by learned counsel appearing on behalf of the petitioner.

4. Heard learned counsel appearing on either side and perused the materials placed on record.

5. This Court in W.P.Nos.8634 of 2019 etc., and batch vide order



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dated 17.08.2021 in paragraph Nos.38 to 40 has held as follows :

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"38. In the light of the above discussion, this Court is of the considered view that the demand made by the 4th respondent from the petitioners, by virtue of the respective impugned letter is held to be unsustainable in law and accordingly, all the impugned letters are quashed.

39. In the result, all the writ petitions are allowed and if any payments have been made by any of the petitioner on the basis of the impugned letter issued by the 4th respondent, the same is liable to be reimbursed or in the alternative adjusted in the future bills. Any consequential benefits to which the petitioners are entitled to, if any, will enure in their favour by virtue of quashing the impugned letters issued by the 4th respondent.

40. All the writ petitions are allowed with the above directions. No costs. Consequently, all the connected miscellaneous petitions are closed."

6. In view of the issue having been settled already and the present case falls squarely within the four corners of the said decision, this Court is inclined to allow this Writ Petition and the impugned letter dated 20.03.2020 issued by the fourth respondent is set aside in the same line by following the above order.



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7. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023
(1/2)

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Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

To

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in

W.P.No.9047 of 2020

M.DHANDAPANI, J.

Dispensed with for the present.

02.06.2023

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