



WEB COPY



W.P.Nos.9983, 9995 & 9999 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.9983, 9995 & 9999 of 2020

and

W.M.P.Nos.12139, 12143, 12148, 12150, 12152 & 12153 of 2020

Santhi Processing Unit Pvt Ltd., Unit II,
HTSC No.357,
No.3/1, Thillai Nagar 1st Street, KRP Nagar,
Pallipalayam, Namakkal, Rep. by its
Authorized Signatory T.Mohana Sundaram
...Petitioner in W.P.No.9983 of 2020

Santhi Processing Unit Pvt Ltd.,
HTSC No.370,
No.3/1, Thillai Nagar 1st Street, KRP Nagar,
Pallipalayam, Namakkal, Rep. by its
Authorized Signatory T.Mohana Sundaram
...Petitioner in W.P.No.9995 of 2020

Santhi Processing Unit Pvt Ltd.,
HTSC No.401,
S.F.No.524/1, 7C, Suriyampalayam Village,
Pudur, Erode - 638 005. Rep. by its
Authorized Signatory T.Mohana Sundaram
...Petitioner in W.P.No.9999 of 2020

Vs.

1. The Chairman,



W.P.Nos.9983, 9995 & 9999 of 2020

Tamil Nadu Generation & Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai, Chennai - 600 002.

2. Chief Financial Controller / Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Mettur Electricity Distribution Circle
Tamil Nadu Generation & Distribution Corporation Limited
TANGEDCO, Mettur.
4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008. ...Respondents in all W.P's.

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent contained in impugned letter No.CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

In all W.Ps.:

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.I.Syed Sibghatulla, SC

COMMON ORDER



W.P.Nos.9983, 9995 & 9999 of 2020

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have come up with these Writ petitions seeking quashment of the order of the 2nd respondent in respect of the impugned letter No.CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013.

3. Heard the learned counsel for the Petitioners and learned Standing Counsel appearing on behalf of the respondents.

4. Aggrieved by the withdrawal of deemed demand benefit extended to the respective petitioners by the respondents and respective consequent demand of charge, the present Writ petitions are filed.

5. When a Writ petition is filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the Learned Single Judge of this Court upheld and quashed the impugned order.

6. Aggrieved by that, the respondent / TANGEDCO preferred an



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appeal in W.A.No.2539 of 2018 and the same is pending before the Division Bench of this Court. The Division Bench, while admitting the appeal preferred by the respondents has directed the third parties to pay 50% of demand made pursuant to the impugned notice.

7. It is submitted by the learned counsel for the petitioners as well as the respondents that the said Writ Appeal is pending.

8. In the light of the interim order passed by this Court, on line with the interim order passed by the Division Bench, the petitioners have paid 50% of the deemed demand charges.

9. Recording the same, these Writ petitions stand disposed of with a direction that the petitioners are liable to pay the balance deemed demand charges, if the Writ Appeal filed by the Respondents is allowed and they shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioners shall continue to pay 50% of deemed demand charges.

10. Accordingly, these Writ petitions are disposed of. No costs.



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Consequently, connected miscellaneous petitions are closed.

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(1/2)

skt

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

To

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Tamil Nadu Generation & Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller / Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
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M.DHANDAPANI., J.

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W.M.P.Nos.12139, 12143, 12148, 12150, 12152 & 12153 of 2020
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W.P.Nos.9983, 9995 & 9999 of 2020

05.06.2023

W.M.P.Nos.12134, 12146 & 12151 of
2020
in
W.P.Nos.9983, 9995 & 9999 of 2020

M.DHANDAPANI., J.

Dispense with ordered for the
present.

05.06.2023
(2/2)

skt