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W.P.Nos.13439, 13446 & 13452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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

W.P.Nos.13439, 13446 & 13452 of 2023

and

WMP.Nos.13122, 13125 & 13129 of 2023

W.P.No.13439 of 2023:

M/s. Veena Wind Energy Pvt. Ltd.,
No.149, Wst Main Road, Nasiyanur,
Erode - 638 107.

Repd. its Authorized Signatory D.Parthipan

...Petitioner

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Repd. by its Secretary,
19-A, Rukmini Lakshmi pathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
3. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
5. The Superintending Engineer,



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TANGEDCO,
Coimbatore South Electricity Distribution Circle,
Coimbatore.

...Respondents

W.P.No.13446 of 2023:

M/s. RC Wind Powers LLP.,
Classic Building,
No.31, Puliymara Thottam,
Karuvampalayam Extension, Tirupur,
Repd. its Authorized Signatory R.Velumani

...Petitioner

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
3. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
5. The Superintending Engineer,
TANGEDCO,
Dindigul South Electricity Distribution Circle,
Dindigul.



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6. The Superintending Engineer,
TANGEDCO,
Palladam South Electricity Distribution Circle,
Palladam.

...Respondents

W.P.No.13452 of 2023:

SREE SANTHOSH GARMENTS,
No.9-B, MGR Nagar,
PN Road, Tirupur - 641 602.
Repd. by its Partner C.Rajiv Kumar

...Petitioner

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
19-A, Rukmini Lakshmiipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
3. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle,
Coimbatore.
5. The Superintending Engineer,
TANGEDCO,
Dindigul South Electricity Distribution Circle,
Dindigul.

...Respondents



W.P.Nos.13439, 13446 & 13452 of 2023

Prayer in W.P.No.13439 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner Group captive consumer A.R.C Mills Pvt. Ltd., HTSC No.039094320088 until the respondent makes payment of the outstanding dues of Rs.5,65,475/- (for the year of 2016-2017) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.13446 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting Open access charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.87,24,966/- (for the year of 2017-2018 and 2020-2021) payable to the petitioner or give adjustment in the open access charges by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.13452 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.039094380539 until the respondent makes payment of the outstanding dues of Rs.77,47,073/- (for the period from April 2022 to December 2022) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioners : Mr.R.S.Pandiyaraj
(in all W.Ps.)

For Respondents : Mr.L.Jaivenkatesh
(in W.P.Nos.13439 & 13446 of 2023)

: Mr.Madhusudanan
(in W.P.No.13452 of 2023)



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COMMON ORDER

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Since the issue involved in all the Writ petitions are one and the same, they are disposed of by way of this common order.

2. When the matters are taken up for hearing today, the learned counsel for the petitioners fairly conceded that the issue involved in these Writ petitions is already been decided by this Court in W.P.Nos.6776 of 2018, etc., batch of cases and the same order may be passed in these Writ petitions as well.

3. Heard learned counsel on either side and perused the materials available on record.

4. In view of the fair stand taken by the learned counsel for the parties, in an identical circumstances, the learned Single Judge of this Court in W.P.Nos.6776 of 2018, etc., batch of cases, by order dated 28.10.2021, in the case of ***M/s.Rajaguru Spinning Mills P. Ltd., Vs. The Tamil Nadu Electricity Regulatory Commission & 3 Ors.***, has held as under :

*“11. In view of the above, all these **Writ Petitions***



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are Disposed of with the following directions:-

(a) In all those cases where the TANGEDCO has acted upon the interim orders passed by this Court and the entire outstanding amounts due and payable has been adjusted, those writ petitions will be rendered infructuous since the grievance of those petitioners stands redressed;

(b) In those cases where the TANGEDCO is in the process of adjusting the outstanding amount due, such adjustment shall be continued till the entire outstanding amount is adjusted towards the current consumption charges / open access charges payable by the respective petitioners and

(c) The TANGEDCO shall not take any coercive steps to disconnect the electricity connection to the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/ open access charges payable by the petitioners.”

5. Following the ratio laid down in the said decision, this Court disposed of the Writ Petitions in W.P.Nos.27559 and 27564 of 2021 by an order dated 22.12.2021. Hence, in the aforesaid terms, these Writ Petitions are also disposed of. No Costs. Consequently, connected Miscellaneous petitions are closed.

27.04.2023

skt



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Index : Yes / No
Speaking order : Yes / No
Neutral Citation Case : Yes / No

To

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Dindigul South Electricity Distribution Circle,
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8. The Superintending Engineer,
TANGEDCO,
Palladam South Electricity Distribution Circle,
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M.DHANDAPANI., J.

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