

W.P.Nos.13527, 13532,13608,
13614 & 13621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM :

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

W.P.Nos.13527, 13532, 13608, 13614 & 13621 of 2023

and

W.M.P.Nos.13199, 13204, 13283, 13290 & 13299 of 2023

W.P.No.13527 of 2023

M/s.Hotel Ennordee International Pvt Ltd
HTSC No.099094000552
No.85/86, Arcot Road, Porur,
Chennai-600116,
Repd by its Managing Director N.R.Dhanapalan

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission, repd. by its Secretary,
19-A, Rukmini Lakshmipathi 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,
Chennai South Electricity Distribution Circle,
Chennai.

5.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle South,
Tirunelveli

... Respondents

Prayer in W.P.No.13527 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other Writ or Direction in the nature of a Writ, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the Respondent makes payment of the outstanding dues of Rs.18,09,707/- (for the year of 2017-2022) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

W.P.No.13532 of 2023

M/s.Radha Regent Hotels Pvt Ltd
No.171, Jawaharlal Nehru salai,
(Inner Ring Road) Arumbakkam,
Chennai-600 106

Repd by its Authorized Signatory
M.Bhavani Ravishankar

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory
Commission, repd. by its Secretary,
19-A, Rukmini Lakshmipathi 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,
Chennai West Electricity Distribution Circle,
Chennai.

5.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle South,
Tirunelveli.

... Respondents

Prayer in W.P.No.13532 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other Writ or Direction in the nature of a Writ, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the Respondent makes payment of the outstanding dues of Rs.18,27,231/- (for the year of 2021-2022) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

W.P.No.13608 of 2023

M/s.KPG Cottspinn India Pvt Limited
HTSC No.039094320469,
S.F.No.269/3 & 4 297/2B, 2C, 2D
Sedapalayam Road, somanur, Palladam Taluk,
Coimbatore Repd by its Authorized Signatory P.Senthilkumar
... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai – 600 002.

2.Chief Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution,
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
TANGEDCO,
Karur Electricity Distribution Circle,
Karur.

4.The Superintending Engineer,
TANGEDCO,
Coimbatore /South Electricity Distribution Circle,
Coimbatore.

... Respondents

Prayer in W.P.No.13608 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other Writ or Direction in the nature of a Writ, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.039094320649 until the Respondent makes payment of the outstanding dues of Rs.11,94,342/- (for the period from April 2020 - June 2020) payable to the petitioner till the entire amount is adjusted.

W.P.No.13614 of 2023

M/s.Annai Violet International Regulatory
HTSC No.019094061852
No.11, Red Hills Road, Pudur,
Ambattu, Chennai-60053
Repd by its Correspondence N.R.Dhanapalan

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission, repd. by its Secretary,
19-A, Rukmini Lakshmipathi 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,
Chennai West Electricity Distribution Circle,
Chennai.
- 5.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

... Respondents

Prayer in W.P.No.13614 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other Writ or Direction in the nature of a Writ, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the Respondent makes payment of the outstanding dues of Rs.16,28,861/- (for the year of 2019-2022) payable to the petitioner till the entire amount is adjusted.

W.P.No.13621 of 2023

M/s.Sri Sakthi Cinemas,
HTSC No.039094380481
No.256, Union Mill Road,
Tirupur-641 601
Represented by its Authorised Signatory
S.Paramasivam

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission, repd. by its Secretary,
19-A, Rukmini Lakshmipathi 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,
Tirupur Electricity Distribution Circle South,
Tirupur.

... Respondents

Prayer in W.P.No.13621 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other Writ or Direction in the nature of a Writ, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.039094380481 until the Respondent makes payment of the outstanding dues of Rs.46,43,360/- (for the period of 2019 -2022) payable to the petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj
(in all WPs)
For Respondents : Mr.L.Jai Venkatesh
(in all WPs) Standing Counsel

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and are being disposed of by this common order.

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

3. Heard the learned counsel on either side and perused the material documents 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 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 Petition 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, the connected miscellaneous petitions are closed.

17.04.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

NHS

To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
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- 5.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle South,
Tirunelveli
- 6.The Superintending Engineer,
TANGEDCO,
Chennai West Electricity Distribution Circle,
Chennai.

7. The Superintending Engineer,
TANGEDCO,
Karur Electricity Distribution Circle,
Karur.
8. The Superintending Engineer,
TANGEDCO,
Coimbatore /South Electricity Distribution Circle,
Coimbatore.
- 9.The Superintending Engineer,
TANGEDCO,
Tirupur Electricity Distribution Circle South,
Tirupur.
- 9.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 10.Chief Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution,
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

**W.P.Nos.13527, 13532,13608,
13614 & 13621 of 2023**

M.DHANDAPANI, J.

NHS

**W.P.Nos.13527, 13532, 13608,
13614 & 13621 of 2023
and
W.M.P.Nos.13199, 13204, 13283,
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28.04.2023