



WEB COPY



W.P. No.12849 of 2020 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.12849, 12851, 12856, 12859, 12861, 12867, 12869
12878, 12883 and 12885 of 2020,

and

W.M.P. Nos.15868, 15870, 15871, 15877, 15878, 15880, 15890,
15891, 15892, 15896, 15897, 15899, 15901, 15902, 15903, 15909,
15910, 15911, 15915, 15916, 15917, 15931, 15932, 15933, 15935,
15937, 15938, 15939, 15940 and 15941 of 2020

In W.P. No.12849 of 2020

Sundaram Brake Linings Ltd.,

HTSC No.153,

Rep. By its

Authorised Signatory

S. Ramabadran

...Petitioner

VS.

1. The Chairman,

Tamil Nadu Generation and

Distribution Corporation Ltd.,

(TANGEDCO),

144, Anna Salai,

Chennai – 600 002.

2. Chief Financial Controller / Revenue

TANGEDCO,

144, Anna Salai,

Chennai – 600 002.



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3. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Virudhunagar.

4. Tamil Nadu Electricity Regulatory Commission
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore,
Chennai – 600 008.

....

Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent contained in impugned letter 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.

For Petitioner	: Mr.R.S. Pandiyaraj
For Respondents	: Mr.L.Jai Venkatesh Standing Counsel

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Certiorari calling for the records of the second respondent contained in impugned letter CFC/FC/DFC/AAO. HT/AS.3 /REV /D.N.115/ 13 dated 29.07.2013 and to quash the same as arbitrary, illegal



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and violative of the provisions of the Electricity Act, 2003 and the orders of TNERC.

2. Heard the learned counsel for the Petitioner and learned Standing Counsel for the respondents.

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

4. 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.

5. Aggrieved by that the respondent /TANGEDCO preferred an appeal in W.A.No.2539 of 2018 and the same is pending before the Division Bench of this Court. The Division Bench, on 09.11.2018, while admitting the appeal preferred by the respondent has directed the third parties to pay 50% of demand made pursuant to the impugned notice.



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

7.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.

8.Recording the same, these writ petitions are disposed of with a direction that the petitioners in respective writ petitions are liable to pay the balance deemed demand charges, if the Writ Appeal filed by the Respondent 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.

9.These writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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M.DHANDAPANI, J.

vsi2

To

1. The Secretary,
The Union of India,
Ministry of Finance,
Rajpath Marg,
E Block,
Central Secretariat,
New Delhi – 110 011.

2. The Incharge,
Reserve Bank of India,
16th Floor, Central Office Building,
Shaahid Bhagat Singh Road,
Mumbai – 400 001.

3. The Manager,
H.D. B. Financial Services Ltd.,
La Piazza II Floor,
No.105, G.P. Road,
Chennai – 600 014.

4. The Chairman and Managing Director,
H.D.B. Finance Service Limited,
Registered Office,
Radhika II Floor,
Law Garden Road,
Navrangapura,
Ahmedabad,
Gujarat – 380 009.

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