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W.P.Nos.18500, 18505 & 18509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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

W.P.Nos.18500, 18505 & 18509 of 2023

and

WMP.Nos.17741, 17748 & 17750 of 2023

W.P.No.18500 of 2023:

M/s.Amarjothi Spinning Mills Ltd.,
Amarjothi House,
No.157, Kumaran Road,
Tirupur-641 601
Coimbatore District
repd by its Authorised Signatory K.Sundaramoorthi

...Petitioner
(in W.P.No.18500 of 2023)

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Repd. 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.



W.P.Nos.18500, 18505 & 18509 of 2023

4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli

5. The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution Circle,
GOBI

...Respondents
(in W.P.No.18500 of 2023)

W.P.No.18505 of 2023:

M/s.Puvaneswari Enterprises Wind Farms Pvt Ltd.,
Amarjothi House, No.157, Kumaran Road,
Tirupur-641 601
repd by its Authorized Signatory K.Sundaramoorthi

...Petitioner
(in W.P.No.18505 of 2023)

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Rep. 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.



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4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

5. The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution Circle,
GOBI

...Respondents
(in W.P.No.18505 of 2023)

W.P.No.18509 of 2023:

M/s.Jayanthi Wind Farms Pvt Ltd.,
Amarjothi House,
No.157, Kumaran Road,
Tirupur-641 601
Coimbatore District
repd by its Authorised Signatory K.Selvakumar

...Petitioner
(in W.P.No.18509 of 2023)

-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.



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3. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin
5. The Superintending Engineer,
TANGEDCO,
Gobi South Electricity Distribution Circle,
GOBI.

...Respondents
(in W.P.No.18509 of 2023)

Prayer in W.P.No.18500 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.4,19,153/- (for the period from March/2020 to April/2020) 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.18505 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 the Group captive consumer M/s.Amarjothi consumer Ms.Amarjothi Spinning Mills Ltd HTSC No.49094360036 until the Respondent makes payment of the outstanding dues of Rs.2,88,826/- (for the year 2018-2019) payable to the Petitioner or give adjustment in the current consumption charges payable by the Petitioner till the entire amount is adjusted.



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Prayer in W.P.No.18509 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 Group Captive consumer Amarjothi Spinning Mills Ltd HTSC No.49094360036 until the Respondent makes payment of the outstanding dues of Rs.84,071/- (for the Month of April 2020) 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.Syed Sighbatulla
(in all W.Ps.)

COMMON ORDER

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.



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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 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



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access charges payable by the petitioners.”

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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.

22.06.2023

NHS

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

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
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Tirunelveli Electricity Distribution Circle,
Tirunelveli.
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M.DHANDAPANI, J.

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