



WEB COPY



W.P.No.19349 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19349 of 2019

and

W.M.P.Nos.18822 & 18823 of 2019

M/s.Anger Palayam Cept Ltd.,
H.T.S.No.039094380041,
SF.No.89, C.E.T.P.Gardens,
Kanjam Palayam, Pitcham Palayam Pudur,
Thiruppur - 641 603,
Rep. by its Authorised Signatory,
P.Eswaran

...Petitioner

-VS-

1. The Chairman and Managing Director,
Tamil Nadu Generation And Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. Chief Financial Controller/Revenue
TANGEDCO, (Accounts Branch),
144, Anna Salai, Chennai - 600 002.
3. Tamil Nadu Electricity Regulatory Commission,
Rep. its Secretary
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. The Superintendent Engineer,
Thiruppur Electricity Distribution Circle,



W.P.No.19349 of 2013

TANGEDCO, Thiruppur.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus 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.

For Petitioner : Mr.V.S.Sivasundaram

For Respondents : Mr.Jaivenkatesh

ORDER

This Writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus to call 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.

2. Heard the learned counsel on either side.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondent and consequent demand of charge, the present writ petition is 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 and the same is pending before the Division Bench of this Court. The Division Bench, while admitting the appeal preferred by the respondent herein, has directed to the third parties to pay 50% of demand made pursuant to the impugned notice.

6. It is submitted by the learned counsel for the petitioner as well as the respondent 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 petitioner has paid 50% of the deemed demand charges.

8. Recording the same, this Writ petition is disposed of with a direction that the petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondent herein is allowed and he shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioner shall continue to pay 50% of deemed demand charges. No costs. Consequently,



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the connected miscellaneous petitions are closed.

15.03.2023

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Speaking order : Yes/ No

Index : Yes / No

M.DHANDAPANI, J.

skt

To

1. The Chairman and Managing Director,
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