



WEB COPY



W.P.No.20740 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2023

CORAM

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

W.P.No.20740 of 2019

and

W.M.P.Nos.19895 and 19897 of 2019

M/s.GKN Driveline (India) Ltd.,
H.T.S.C.No.099094110677,
having Industry at
Plot No.B-13, SIPCOT Industrial Estate,
Vaipur A & B,
Oragadam, Sriperumbudur Taluk,
Kancheepuram District 602 105,
rep. by its Plan Director,
Mr.Sanjeevi Mehrotra.

...Petitioner

Vs

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



W.P.No.20740 of 2019

WEB COPY

4.The Superintendent Engineer,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
Chengalpet.

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus 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.K.Seshadri

For Respondents : Mr. L.Jai Venkatesh
Standing counsel

ORDER

This writ petition has been filed seeking for issuance of a writ of Certiorari to quash the letter of the second respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

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



W.P.No.20740 of 2019

WEB COPY

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondents 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 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.

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

8. Recording the same, this writ petition is disposed of with a direction that the



W.P.No.20740 of 2019

petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the Respondent 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.

9.This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2023
1/2

Index : Yes / No

Speaking/Non-speaking order : Yes / No
(rap)

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO)
No.144, Anna Salai,
Chennai ? 600 002.

2.Chief Financial Controller/ Revenue,
TANGEDCO, (Accounts Branch),
144, Anna Salai,
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3.The Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
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4.The Superintendent Engineer,
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WEB COPY



W.P.No.20740 of 2019

M.DHANDAPANI, J.

(rap)

W.P.No.20740 of 2019

13.03.2023

1/2



WEB COPY



W.P.No.20740 of 2019

W.M.P.No.19893 of 2019

in

W.P.No.20740 of 2019

M.DHANDAPANI., J.

Dispensed with for the present.

13.03.2023

2/2

(rap)