



W.P.No.19409 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.10.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.19409 of 2020 and
WMP.No.23996 of 2020

M/s.Agra Wire Industries, HTSC No.1925
No.18, 3rd Floor, AlsaMall,
Mentieth Road, Egmore, Chennai
Repd by its Authorized Signatory
G.Subramanian

... Petitioner

VS.

- 1.The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
10th floor, 144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer- NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Financial Controller/Revenue,
TANGEDCO, 7th Floor,
144, Anna Salai,
Chennai – 600 002.



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4.The Superintending Engineer,
TANGEDCO,
Chennai Electricity Distribution Circle/North,
Chennai – 02

5.The Accounts Officer/Revenue
Office of the Superintending Engineer,
TANGEDCO,
Chennai Electricity Distribution Circle/North,
Chennai – 02.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records of the 4th Respondent's impugned CC bill No.H4041925122001 dated 04.12.2020 insofar as serial no.18 'Adjustment Charges' alone is concerned and quash the same as illegal, arbitrary, without authority of law, against the Circular Memo dated 19.07.2016 issued by the 2nd Respondent under the order of the 1st Respondent/Chairman, TANGEDCO.

For Petitioner : Ms.S.Yogalakshmi
for Mr.A.Thiyagarajan

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh
Standing Counsel

ORDER

Ms.S.Yogalakshmi for Mr.A.Thiyagarajan, learned counsel for the petitioner and Ms.Keerthana Shenoi for Mr.L.Jai Venkatesh, learned Standing



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Counsel for the respondents would concur on the position that the issue in question is covered by an order passed by a learned Judge of this Court in a batch of writ petitions in WP.Nos.8634 of 2019 on 17.08.2021.

2.The rival contentions of the parties have been dealt with in detail in that order. In the present case, the energy wheeling agreement relates to the period 06.02.2017 to 06.02.2022 and the demand in question relates to the month of March 2017. The impugned adjustment as per Circular Memo dated 19.07.2016, is quashed and this writ petition is allowed.

3.Since the demand raised now relates to recovery of charges adjusted even earlier (see communication dated 18.08.2020 at page 66 of compilation dated 11.12.2020), the question of refund does not arise in the present matter.

No costs. Connected miscellaneous petition is closed.

10.10.2023

vs

Index : Yes/No

Speaking order

Neutral Citation : Yes

To

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