



W.P.No.29852 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29852 of 2023

and

W.M.P.No.29465 of 2023

M/s.Sri Devi Cinemas (P) Ltd.,
Rep. by its Director Mr.C.T.Ramanathan,
No.870, Poonamallee High Road,
Chennai – 600 010.

.. Petitioner

VS

- 1.Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai – 02
- 2.The Chief Financial Controller,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai – 02.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli EDC, Tirunelveli – 627 011.
4. The Superintending Engineer,
AO (Revenue Department)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli EDC, Tirunelveli – 627 011.
- 5.The Superintending Engineer,
CEDC / Chennai Central, TANGEDCO,
Valluvarkottam, Chennai – 34.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents forthwith to make the payment of a sum of Rs.31,92,082/- to the petitioner as per invoice No.01/2021-2022 dated 01.06.2023 and a sum of Rs.7,55,285/- to the petitioner as per invoice No.01/2022-2023 dated 01.06.2023 or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

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

ORDER

Both Mr.V.Chandrakanthan, learned counsel for the petitioner and Ms.Keerthana Shenoi, for Mr.L. Jai Venkatesh, learned Standing Counsel, who accepts notice for the respondents, concur on the position that the issue that arises in this matter is covered by a decision taken in W.P.Nos.1857 & 1874 of 2022 dated 09.02.2022. The relevant part of the order in the aforesaid matters reads as under:-

"Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the



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Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take 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 access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward.

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.

7. In view of the identity of facts that



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arise in the earlier matters as in the present matters, learned counsel would request the Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.

8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed."

2. In light of identity of facts between W.P.Nos.1857 & 1874 of 2022 and the present writ petition, orders passed in W.P.No.6776 of 2018 etc dated 28.10.2021 and 22.12.2021, are taken to be passed in the present writ petition as well.

3. This writ petition stands disposed in terms of the above orders. No costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation:Yes
ssm



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