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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.10.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.29871, 29874 and 29878 of 2023 &
WMP.Nos.29478, 29489 and 29481 of 2023

M/s.Veejay Terru Products Ltd.,
No.8, A.T.T. Colony, Coimbatore – 641 018
rep. by its Authorised Signatory
J.Dhanabalan

... Petitioner in W.P.No.29871 of 2023

D.R.Spining Mill,
HTSC No.049094260466
D.No.235, S.F.No.108/1B, 2B, 108/3,
108/4, M.S.Mangalam, Kaspapettai Village,
Modakkuruchi Taluk,
Erode – 638 115
rep. by its Proprietor
M.Vinodkumar

... Petitioner in W.P.No.29878 of 2023

Shri Siddhi Vinayaga Tex India (Pvt) Ltd.
HTSC No.289
Regd. Office 207, Mangalam Road,
Karuvampalayam,
Tirupur – 641 604,
rep. by its Authorised Signatory
M.Venkatesan

.... Petitioner in W.P.No.29874 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.

.... Respondents in all W.Ps.

4. The Superintending Engineer, TANGEDCO, Coimbatore North Electricity Distribution Circle, Coimbatore.
5. The Superintending Engineer, TANGEDCO, Palladam Electricity Distribution Circle, Palladam.

... Respondents in W.P.No.29871 of 2023

4. The Chief Financial Controller, Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai, Chennai – 600 002.
5. The Superintending Engineer, TANGEDCO, Erode Electricity Distribution Circle, Erode.
6. The Superintending Engineer, TANGEDCO, Tirunelveli Electricity Distribution Circle, Tirunelveli.

.... Respondents in W.P.No.29878 of 2023



4. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.
6. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

.... Respondents in W.P.No.29874 of 2023

PRAYER in W.P.No.29871 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writs of Mandamus, forbearing the respondents 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.9,22,325/- (for the year 2022-2023) 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.29878 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writs of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner HTSc No.049094260466 until the respondent makes payment of the outstanding dues of Rs.34,20,019/- (for the year 2019-2023) 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.29874 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writs of Mandamus, forbearing the respondents 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.4,43,926/- (for the year 2022-2023) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

In all W.Ps

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.L.Jai Venkatesh

Standing Counsel – R2 to R5

COMMON ORDER

Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. Both learned counsel for the petitioners as well as learned Standing Counsel for the respondents would concur on the position that the issue that arises in these Writ Petitions has been decided by several Benches of this Court. In fact in W.P.No.2935 of 2022, this Court has, vide order dated 18.02.2022, referred to earlier orders of this Court in W.P.No.6776 of 2018 and 27559 & 27564 of 2021 dated 28.10.2021 and 22.12.2021 respectively, reading thus:



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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 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 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.

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3. There is no dispute on the complete identity between the facts and legal position as obtained in the present writ petitions and the Writ Petitions referred to above. Thus, the same order as passed on 18.02.2022 is taken to be passed in these writ petitions as well. The petitioners are entitled for adjustment of the amounts outstanding and due to the petitioners against the current consumption charges.

4. These writ petitions are disposed in terms of orders dated 18.02.2022 passed in W.P.No.2935 of 2022, granting the mandamus as sought for. No costs. Connected Miscellaneous Petitions are closed.

13.10.2023

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Index : Yes / No
Speaking Order : Yes
Neutral Citation: Yes
To

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2. The Chairman, Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai, Chennai – 600 002.
3. Director Finance,



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DR.ANITA SUMANTH, J.

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