



WEB COPY



W.P.No.32146 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.11.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.32146 of 2023

M/s.Arun Smelters Pvt. Ltd.,
rep. by its General Manager
Mr.K.Venkataraman

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai – 600 002.

2. The Superintending Engineer,
Chennai Electricity Distribution Circle (North),
TANGEDCO, 800, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to permit the
petitioner to pay the requested excess sum of Rs.19,54,422/- in 10 equated
monthly instalments pursuant to the representation dated 11.10.2023.



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For Petitioner : Mr.Hariprasath DG

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

ORDER

Read this order in conjunction with and in continuation of order dated 10.11.2023 that reads as follows:

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and states that the petitioner's request for equated monthly installments in representation dated 11.10.2023 has already been rejected vide communication dated 26.10.2023.

2. A copy of the said communication is placed on file and supplied to the learned counsel for the petitioner to enable him to obtain instructions.

3. List on 17.11.2023 at the end of admission list.

2. The impugned demand is, infact, the subject matter of an earlier round of Writ Petitions in W.P.Nos.20954 of 2018 batch. In those Writ Petitions, the challenge was to a Clarification by the TNERC on the basis of which there was a revision of rates giving rise to the impugned demand.



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3. Those Writ Petitions came to be allowed on 03.01.2019, as against which order, TANGEDCO has filed Writ Appeals in W.A.Nos.1241 of 2019 and batch. That Writ Appeals came to be disposed on 17.07.2019, the Division Bench relegating the parties to the Appellate Tribunal for Electricity (APTEL).

4. Pending resolution of the matters before the APTEL, the Bench made it clear (see paragraph 7 of order dated 17.07.2019) that TANGEDCO shall not insist upon recovery of the dues arising from the alleged Clarification issued by TNERC on 13.03.2018, also clarifying that the Industrial Units shall likewise not be entitled conversely to any refund or adjustment in regard to the amounts already paid by them of such demands.

5. Ms.Shenoi, learned counsel appearing for the respondents would clarify that the subject matter of the present litigation as well as the erstwhile litigation, is one and the same.

6. Despite the protection granted on 17.07.2019, the petitioner appears to have approached the respondents seeking payment of the impugned demand by instalments perhaps to pre-empt the levy of interest, if they were to unsuccessful before the APTEL at a later stage.

7. Incidentally, though there is a direction to APTEL to dispose the matters within a period of six months, the matters are stated to be hanging fire till date, despite the lapse of more than four years.



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Dr.ANITA SUMANTH,J.

WEB COPY 8. Be that as it may, order dated 26.10.2023 rejecting the request of the petitioner for payment by instalments is, admittedly of no consequence today, as the interim protection granted by the Division Bench on 17.07.2019 continues undisturbed. Recording this, this Writ Petition is closed. No costs.

17.11.2023

Index : Yes / No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

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Tamil Nadu Generation and Distribution Corporation Ltd.,
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Chennai Electricity Distribution Circle (North),
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