



WEB COPY



W.P.No.25835 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.25835 of 2017
and W.M.P.No.27280 of 2017

Saravana Global Energy Limited
Rep. by its Manager Marketing,
Mr.C.Madhavan
No.15 New Giri Road,
T.Nagar, Chennai 600 017

Also at

Virudhachalam Road
P.N.Kuppam, Kurinjipadi Post,
Cuddalore- 607 302

.. Petitioner

vs

1.Tamilnadu Generation and Distribution Corporation Ltd.
(TANGEDCO)
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
TANGEDCO,
Cuddalore Electricity Distribution Circle, Cuddalore.

3.The Accountants Officer/ Revenue
TANGEDCO,
Cuddalore Electricity Distribution Circle,
Cuddalore.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari to call for the records pertaining
to the demand notice Lr.No. SE/CEDC/CUD/DFC/AO/RCS/AS/A4/



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F.Audit/D.497-3/2016 dated 13.4.2016 issued by the 2nd respondent along with the BOAB Audit Slip No.3 dated 6.2.2016 and consequent demands of the said Transmission and Distribution charges of Rs.13,01,941/- (Rupees Thirteen Lakh one thousand nine hundred and forty one only) through the High Tension Bill (Provisional) NO.118 dated 31.8.2017 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.E.Sathish Kumar

For Respondents : Mr.Venkateseshaiya
Standing Counsel

ORDER

Mr.E.Sathish Kumar, learned counsel on record makes an endorsement withdrawing this writ petition and rightly so.

2. The main ground on which impugned order dated 13.04.2016 is challenged is that a demand for the same period which is August, 2012 and January, 2014 has already been raised on NIL, October, 2013 and the petitioner has settled the demand of Rs.14,52,736/- in six instalments. Thus according to the petitioner, no further demand can be made for the same period.

3. Per contra, it is the stand of the respondents that the demand made under the impugned order is over and above that raised in October, 2013. This is a question of fact and it is thus appropriate that the petitioner file an appeal in terms of Section 86 of the Electricity Act, 2003 before the Tamil Nadu Electricity



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Regulatory Commission.

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4. Thus, while dismissing the writ petition as withdrawn, the petitioner is granted liberty to file appeal as aforesaid within a period of three weeks from the date of receipt of this order. If the appeal is instituted as aforesaid it shall be taken on file without referring to limitation subject to all other statutory compliances, heard and disposed within a period of six weeks from the date of institution of the appeal.

5. The benefit of interim order of stay of collection on the impugned demand upon condition that deposit of 50% of the demand that order has been complied with. Thus, the interim protection shall extended till disposal of the appeal as aforesaid and the 50% remitted to the credit of the writ petition shall be either adjusted / refunded subject to the order to be passed by the appellate authority. No costs. Connected miscellaneous petition is closed.

28.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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To

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Tamilnadu Generation and Distribution Corporation Ltd.
(TANGEDCO)144, Anna Salai,
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- 2.The Superintending Engineer,
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Cuddalore Electricity Distribution Circle, Cuddalore.
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DR. ANITA SUMANTH,J.

ssm

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