

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.12.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.33761, 33764, 33765 & 33767 of 2023
& WMP.Nos.33599, 33601, 33603 & 33606 of 2023

WP.No.33761 of 2023

M/s.PSK Arun Tex Private Limited,
32, Kamaraj Nagar, Periya Kadu,
Pallipalayam,
Namakkal District – 638 006
Repd. by its Managing Director
P.S.Kandasamy

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
2. Chief Engineer,
Non- Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
3. Director Generation,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

4. The Superintending Engineer,
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.

... Respondents

PRAYER in W.P.No.33761 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's New HTSC No.049094370549 (Old No.HTSC No.049094220416) till the entire outstanding dues of Rs.20,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.059494500031 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

WP.No.33764 of 2023

M/s.Chendhoor Murughan Yarn Tex India Pvt. Ltd.
S.F.No.133/2, Veppadai to Kumarapalayam Road,
Kumarapalayam Road,
Namakkal -638 008.
repd by its Authorized Signatory
N.Gurusamy

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
2. Chief Engineer,
Non- Conventional Energy Sources,

Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3. Director Generation,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

4. The Superintending Engineer,
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.

... Respondents

PRAYER in W.P.No.33764 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.049094370472 till the entire outstanding dues of Rs.50,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.069594420070 is paid or give adjustment in the current consumption charges payable by the Petitioner till the entire amount is adjusted.

WP.No.33765 of 2023

M/s.Sri Suresh Textiles,
SF No.84, Anna Nagar,
Rangasamuthiram, Panikkampatti village,
Palladam – 641 664
repd. its Partner P.Suresh

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
2. Chief Engineer,
Non- Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
3. Director/Generation,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

... Respondents

PRAYER in W.P.No.33765 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.039094390542 till the entire outstanding dues of Rs.8,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.069514430110 is paid or give adjustment in the current consumption charges payable by the Petitioner till the entire amount is adjusted.

WP.No.33767 of 2023

M/s.Giri Exports,
19, 4th Cross, Gandhipuram,
Pallipalayam, Erode
Repd. By its Partner Ramesh Krishnan

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
2. Chief Engineer,
Non- Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer,
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.

... Respondents

PRAYER in W.P.No.33767 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the Petitioner's captive Consumer Current Consumption Bills in HTSC No.049094370541 till the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.039514390069 is paid or give adjustment in the current consumption charges payable by the Petitioner till the entire amount is adjusted.

<i>Case Nos.</i>	<i>For Petitioners</i>	<i>For Respondents</i>
WP.Nos.33761, 33764 & 33767 of 2023	Mr.S.P.Parthasarathy	Mr.S.Kalaiselvan Standing Counsel
WP.No.33765 of 2023	Mr.S.P.Parthasarathy	Mr.L.Jai Venkatesh Standing Counsel

COMMON ORDER

Mr.S.Kalaiselvan, learned Standing Counsel accepts notice for the respondents in WP.Nos.33761, 33764 & 33767 of 2023 and Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents in WP.No.33765 of 2023 and is armed with instructions to enable final disposal of these matters, even at the stage of admission.

2. The prayer is for a mandamus forbearing the respondents, officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges or any further charges till the entirety of the outstanding dues of Rs.20,00,000/- (W.P.No.33761 of 2023), Rs.50,00,000/- (W.P.No.33764 of 2023), Rs.8,00,000/- (W.P.No.33765 of 2023) and Rs.10,00,000/- (W.P.No.33767 of 2023) are adjusted as against the consumption charges.

3. Mr.S.Kalaiselvan and Mr.L.Jai Venkatesh would acquiesce to the position that the amount of Rs.20,00,000/- (W.P.No.33761 of 2023),

Rs.50,00,000/- (W.P.No.33764 of 2023), Rs.8,00,000/- (W.P.No.33765 of 2023) and Rs.10,00,000/- (W.P.No.33767 of 2023) as quantified by the petitioners are indeed arrears due to the petitioners.

4. Thus, and in light of the aforesaid admission, mandamus is issued forbearing the respondents from collecting the current consumption charges and directing the respondents to adjust the outstanding dues first as against the charges.

5. It is seen that similar orders have been passed in identical circumstances in Writ Petitions in W.P.Nos.33072 of 2022 dated 07.12.2022 and W.P.No.1857 of 2023 dated 14.02.2023.

6. In light of the above, these Writ Petitions stand allowed. No costs. Connected Miscellaneous Petitions are closed.

13.12.2023

Index : Yes / No

Speaking Order

Neutral Citation:Yes

vs

To

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

2. Chief Engineer,
Non- Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
3. Director Generation,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
4. The Superintending Engineer,
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.
5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

W.P.Nos.33761, 33764, 33765 & 33767 of 2023

Dr.ANITA SUMANTH, J.

VS

W.P.Nos.33761, 33764, 33765 & 33767 of 2023
& WMP.Nos.33599, 33601, 33603 & 33606 of 2023

13.12.2023