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W.P.Nos.35698, 35703, 35706 and 35709



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.12.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.35698, 35703, 35706 and 35709 of 2023
& WMP.Nos.35673, 35681, 35685 and 35690 of 2023

Shree MTK Textiles P. Ltd.,
New No.57, D.P.F. Street,
Ramasamy Layout,
Pappanaickenpalayam,
Coimbatore – 641 037
rep. by Authorized Signatory
K.Rajeshkannan

... Petitioner in W.P.Nos.35698 & 35709 of 2023

M/s.Sugavaneshwara Spinning Mills (P) Ltd.,
Belur Main Road, Selliampalayam
Minnampalli, Salem – 636 106
rep. by its Authorized Signatory
M.Manikam

... Petitioner in W.P.No.35703 of 2023

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

... Petitioner in W.P.No.35706 of 2023

Vs

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, RukminiLakshmipathySalai,
(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.P's

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

5. The Superintending Engineer
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

6. The Superintending Engineer
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

.... Respondents in W.P.No.35698 of 2023

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

5. The Superintending Engineer
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

.... Respondents in W.P.No.35703 of 2023



4. The Superintending Engineer

TANGEDCO,

Dindigul Electricity Distribution Circle,
Dindigul.

5. The Superintending Engineer

TANGEDCO,

Namakkal Electricity Distribution Circle,
Namakkal.

.... Respondents in W.P.No.35706 of 2023

4. The Superintending Engineer

TANGEDCO,

Theni Electricity Distribution Circle,
Theni.

.... Respondent in W.P.No.35709 of 2023

PRAYER in W.P.No.35698 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ 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.6,36,956/- (for the year of 2018-2019) 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.35703 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 4th respondent 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.24,33,278/- (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.35706 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.049094220416) till the respondent makes payment of the outstanding dues of Rs.18,19,384/- (for the period June 2020 to May 2022 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.35709 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to make payment of Rs.10,26,723/- to the petitioner towards the unutilized banked energy wind energy sold to TANGEDCO from the period 2020-2021.

W.P.No.	For petitioner	For Respondents
35698 of 2023	Mr.M.Saravanakumar	Mr.Nithesh Kumar for Mr.L.Jai Venkatesh Standing Counsel
35703 of 2023	Mr.M.Saravanakumar	Mr.I.Syed Sibgathulla Standing Counsel
35706 of 2023	Mr.M.Saravanakumar	Mr.S.Kalaiselvan
35709 of 2023	Mr.M.Saravanakumar	Mr.S.Madhusudanan

COMMON ORDER

Mr.Nithesh Kumar, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents in W.P.No.35698 of 2023, Mr.I.Syed Sibghathullah, learned Standing Counsel accepts notice for the respondents in W.P.No.35703 of 2023, Mr.S.Kalaiselvan, learned Standing Counsel



accepts notice for the respondents in W.P.No.35706 of 2023 and Mr.S.Madhusudanan, learned Standing Counsel accepts notice for the respondents in W.P.No.35709 of 2023. They are armed with instructions to enable final disposal of these matters, even at the stage of admission.

2. The prayer in W.P.Nos.35698, 35703 and 35706 of 2023 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.6,36,956/- (W.P.No.35698 of 2023), Rs.24,33,278/- (W.P.No.35703 of 2023), Rs.18,19,384/- (W.P.No.35706 of 2023) are adjusted as against the consumption charges.

3. Mr.Nithesh Kumar, Mr.I.Syed Sibghathullah and Mr.S.Kalaiselvan would acquiesce to the position that the amount of Rs.6,36,956/- (W.P.No.35698 of 2023), Rs.24,33,278/- (W.P.No.35703 of 2023), Rs.18,19,384/- (W.P.No.35706 of 2023) as quantified by the petitioners are, indeed, arrears due to the petitioners.

4. In fact similar orders have been passed in a writ petition involving identical factual and legal position (see order in W.P.No.1578 of 2022 batch dated 07.02.2022 for easy reference), wherein the following order has been passed:



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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.

9. As far as W.P.No.1611 of 2022 is concerned, the amount outstanding is admittedly, a sum of Rs.23,41,439/-. As the petitioner states that it sells the entire electricity generated to the respondent, the question of captive consumption, and consequently, adjustment against CC charges, does not arise.

10. In light of the above, W.P.No.1611 of 2022 is disposed directing TANGEDCO, to settle the outstanding amount within a period of 12 weeks from today. No costs. Connected miscellaneous petitions are closed.'

5. 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.



6. Thus, acceding to the request, W.P.Nos.35698, 35703 and 35706 of 2023 are allowed 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.

7. As far as W.P.No.35709 of 2023 is concerned, the amount outstanding is admittedly, a sum of Rs.10,26,723/-. As the petitioner states that it sells the entire electricity generated to the respondent, the question of captive consumption, and consequently, adjustment against CC charges, does not arise.

8. In light of the above, W.P.No.35709 of 2023 is disposed directing TANGEDCO, to settle the outstanding amount within a period of 12 weeks from today. No costs. Connected miscellaneous petitions are closed.

21.12.2023

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

1. Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,



19-A, RukminiLakshmipathySalai,
(Marshall's Road), Egmore, Chennai – 600 008

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2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai 600 002
3. Director Finance
Tamil Nadu Generation and Distribution
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TANGEDCO,
Tirupur Electricity Distribution Circle,
Tirupur.
5. The Superintending Engineer
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
6. The Superintending Engineer
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
7. The Superintending Engineer
TANGEDCO,
Salem Electricity Distribution Circle,
Salem.

DR.ANITA SUMANTH, J.

SI

8. The Superintending Engineer



TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

9. The Superintending Engineer
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.
10. The Superintending Engineer
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.
4. The Superintending Engineer
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