



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.10972 to 10974 of 2011,
16069 of 2014 and 14448 of 2016

and

M.P.(MD)Nos.2 and 3 of 2011 (3 nos.) and 1 of 2014

and

W.M.P.(MD)No.10708 of 2016

W.P.(MD)No.10972 of 2011

M/s.Madura Coats Private Limited,
Rep. by its Manager – Excise & Legal,
144, M.G.Road,
Bangalore – 560 001.

... Petitioner

versus

1. Tamil Nadu Electricity
Regulatory Commission (TNERC),
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai – 600 002.



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

WEB COPY

3. The Superintending Engineer,

Tirunelveli Circle,

Tamil Nadu Generation and Distribution

Corporation Limited (TANGEDCO),

Tirunelveli – 627 011.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 2nd respondent culminating in its impugned Memo No.CE/Comml/EE/DSM/AEE1/F.Power cut/D.243/11 dated 20.06.2011, quash the same insofar as it dispenses with advance declaration by captive consumers.

For Petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.S.Srinivasaraghavan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

W.P.(MD)No.10973 of 2011

M/s.Madura Coats Private Limited,
Rep. by its Manager – Excise & Legal,
144, M.G.Road,
Bangalore – 560 001.

... Petitioner

versus



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

1. Tamil Nadu Electricity
Regulatory Commission (TNERC),
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai – 600 008.
2. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai – 600 002.
3. The Superintending Engineer,
Madurai Electricity Distribution Circle/Metro
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Madurai – 625 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 2nd respondent culminating in its impugned Memo No.CE/Comml/EE/DSM/AEE1/F.Power cut/D.243/11 dated 20.06.2011, quash the same insofar as it dispenses with advance declaration by captive consumers.

For Petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.S.Srinivasaraghavan



WEB COPY



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

W.P.(MD)No.10974 of 2011

M/s.Madura Coats Private Limited,
Rep. by its Manager – Excise & Legal,
144, M.G.Road,
Bangalore – 560 001.

... Petitioner

versus

1. Tamil Nadu Electricity
Regulatory Commission (TNERC),
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.
2. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai – 600 002.
3. The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tuticorin – 625 007.

... Respondents



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 2nd respondent culminating in its impugned Memo No.CE/Comml/EE/DSM/AEE1/F.Power cut/D.243/11 dated 20.06.2011, quash the same insofar as it dispenses with advance declaration by captive consumers.

For Petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.S.Srinivasaraghavan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

W.P.(MD)No.16069 of 2014

M/s.Madura Coats Private Limited, HT SC No.33,
Rep. by its Manager – Excise & Legal,
Mr.M.Ramasubramanian,
Registered office at 144, M.G.Road,
Bangalore – 560 001.

... Petitioner

versus

1. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai,
Chennai – 600 002.



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

WEB COPY

2. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 2nd respondent's impugned proceedings bearing Lr.No. 33/SE/TEDC/DFC/AO/Rev./A.1/F.BOAB/14 dated 27.08.2014 culminating in Lr.No.33/SE/TEDC/DFC/AO/Rev./A.1/F.BOAB/14 dated 06.09.2014 in respect of petitioner's HT SC No.33 and quash the same.

For Petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.S.Srinivasaraghavan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

W.P.(MD)No.14448 of 2016

M/s.Madura Coats Private Limited, HT SC No.2,
Rep. by its Manager – Excise & Legal,
Mr.M.Ramasubramanian,
Registered office at 144, M.G.Road,
Bangalore – 560 001.

... Petitioner



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

versus

WEB COPY

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai,
Chennai – 600 002.

2. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned communication bearing Lr.No.SE/TEDC/TIN/AO/REV/AAO/HT/F.HT2/D. 217/16 dated 13.07.2016 culminating in Lr.No.SE/TEDC/TIN/AO/REV/AAO/HT/F.HT 2/D.268/16 dated 27.07.2016 issued for the petitioner's HT SC No.2 demanding a sum of Rs.9,59,54,960/-, quash the same and forbear the respondents from in any manner levying, demanding and/or collecting such excess demand charges from the petitioner on the grounds stated in the impugned communication without following the due process of law.



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

For Petitioner : Mr.N.L.Rajah,
Senior Counsel
for Mr.S.Srinivasaraghavan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

COMMON ORDER

The petitioners are captive consumers. These writ petitions have been filed as against the memo dated 20.06.2011 issued by the second respondent and the proceedings dated 06.09.2014 issued for the petitioner's HT SC No.33 and also the proceedings dated 27.07.2016 issued for the petitioner's HT SC No.2 demanding Rs.9,59,54,960/-.

2. When these writ petitions are taken up for hearing, the learned Standing Counsel appearing for the petitioners, by referring to a proceedings of the Tamil Nadu Electricity Regulatory Commission, dated 20.07.2023, submits that their grievance was already addressed by the Regulatory Commissioner. He also submits that by referring the proceedings dated 20.07.2023, necessary instructions have been issued



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

by the Chief Financial Controller/Revenue, Chennai and a Circular has been issued to all the Superintending Engineers of Distribution Circles on 03.08.2023 and therefore, they would work out their remedy with the Department.

3. The learned counsel appearing for TANGEDCO has also confirmed the same.

4. In view of the same, these writ petitions are disposed of with liberty to the petitioner to work out their remedy as per the proceedings of the Tamil Nadu Electricity Regulatory Commission, dated 20.07.2023, as directed by the Chief Financial Controller/Revenue, Chennai, in his proceedings dated 03.08.2023. No costs. Consequently, connected miscellaneous petitions are closed.

06.11.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

To
WEB COPY

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission (TNERC),
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai – 600 008.
2. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
Tirunelveli Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli – 627 011.



WEB COPY



W.P.(MD)Nos.10972 to 10974 of 2011, 16069 of 2014 and 14448 of 2016

B.PUGALENDHI, J.

ogy

W.P.(MD)Nos.10972 to 10974 of 2011,
16069 of 2014 and 14448 of 2016

06.11.2023