



W.P.(MD) No.1054 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1054 of 2020

and

W.M.P.(MD) Nos.840 and 853 of 2020

DCW Limited,
Rep., by its General Manager
(Legal & Indirect Taxation),
Sahupuram-628 229,
Thoothukudi District.

.. Petitioner

Vs.

- 1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep., by its Chairman & MD,
144, Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer,
Tuticorin Distribution Circle,
Tuticorin.
- 3.Tamil Nadu Electricity
Regulatory Commission,
Rep., by its Secretary,
TIDCO Office Building,
No.19-A, Rukmani Lakshmipathy Salai,



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Marshalls Road, Egmore,
Chennai-600 008.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records comprised in the demand notice in Lr.No.SE/TEDC/AO/Rev./AAO/HT/AS.2/F.POC/D.No.477/19 dated 13.12.2019 issued by the third respondent and the consequent inclusion of parallel operation charges in the current consumption bill for the month of December 2019 issued for HT.Service Connection No.242 dated 04.01.2020 and quash the same as being arbitrary and illegal and consequently direct the third respondent to issue revised current consumption bill for the month of December 2019 issued for HT.Service Connection No.242 excluding parallel operation charges.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

When the matter is taken up for hearing, learned counsel on either side submitted that similar issue was the subject matter of challenge in a batch of writ petitions in W.P.No.12411 of 2019 etc., dated 21.09.2021 and further submitted that the same order shall be passed in this writ petition as well.



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2. This Court in W.P.No.12411 of 2019 etc., batch by its order dated 21.09.2021, passed the following order:

“When the batch was taken up for hearing, it was represented on the side of the petitioners that the larger issue is now pending by way of an Appeal before the Appellate Tribunal for Electricity (APTEL), New Delhi. It was further submitted that no further useful purpose will be served in remanding the matter back to the file of the State Regulatory Commission, since the Commission has already taken a in the Appeal and raise the grounds that have been raised by them in these writ petitions.

2. The learned Standing counsel appearing on behalf of the TANGEDCO circulated the list of cases that are pending on the file of APTEL and Stated that he leaves it to this Court to take a decision with regard to the transfer of the cases to APTEL.

3. The learned Senior counsel appearing on behalf of the petitioner in W.P.No. 12411 of 2019, circulated the interim orders passed by APTEL on 06.08.2019. It is seen from the interim order that the APTEL has taken a note of the interim orders that



were passed by this Court in the writ petitions and had granted the interim order, pending the appeal. In view of the same, it will be more appropriate if all these writ petitions are transferred to the file of the APTEL.

4. Accordingly all these writ petitions shall stand transferred to the file of the APTEL to be heard along with Appeal Nos. 162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325, 328, 395, 434, 2410, 214 & 215 of 2019 & 82 of 2020. It is left open to the petitioners to raise all the grounds that have been raised in the writ petitions before APTEL. Till the appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue.

5. All these writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.”

3. Thus, following the above order, this Writ Petition is disposed of and the writ petition stands transferred to the file of the Appellate Tribunal for Electricity (APTEL), New Delhi, to be heard along with Appeal Nos.162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325,



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328, 395, 434, 2410, 214 & 215 of 2019 & 82 of 2020. It is left open to the petitioner to raise all the grounds that have been raised in this writ petition before the APTEL. Till the appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Chairman & MD,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
Tuticorin Distribution Circle, Tuticorin.
- 3.The Secretary,
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P.T.ASHA, J.

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