



W.P(MD)No.3417 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3417 of 2023

and

W.M.P.(MD)Nos.3175 & 3178 of 2023

Top Light Renewable Energy Private Ltd.,
15A, Suriya Nagar,
ABT Road New Extn.
Karuvampalayam, Tirupur-641604,
Rep. By its Authorised Signatory S.Paramasivam

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary,
19-A, Rukminilakshmipathysalai,
(Marshall's Road)
Egmore, Chennai-600 008.
- 2.The Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
144, Anna Salai, Chennai-600 002,
Represented by its Chairman.
- 3.The Chief Engineer-NCES
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
2nd Floor, 144 Anna Salai,
Chennai-600 002.



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4.The Chief Financial Controller/Revenue
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
2nd Floor, 144 Anna Salai,
Chennai-600 002.

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

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

7.The Superintending Engineer,
TANGEDCO,
Karur Electricity Distribution Circle,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the seventh respondent's impugned demand notice கடித எண்.மேபொ/கருர்/துநிகஅ/கஅ/வ/உமி/கோ.சோலார்/எண்.367 2022 நாள் 15.12.2022 and கடித எண். மேபொ/கருர்/துநிகஅ/கஅ/வ/உமிஅ/கோ.சோலார்/எண்.20/2023 நாள் 31.01.2023 and quash the same as illegal, arbitrary and without authority of law and against the orders of the first respondent in D.R.P.No.8 of 2009, dated 26.08.2009 and the Solar Tariff Order No.5 of 2019, dated 29.03.2019 and contrary to the Circular Memo dated 03.02.2016 issued by the Director Finance/TANGEDCO.



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For Petitioner : Mr.RM.Loganathan
for Mr.R.S.Pandiyaraj
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for TANGEDCO.

2. The stand of the petitioner is that the impugned demand is not in consonance with the tariff order dated 31.03.2016 passed by the Tamil Nadu Electricity Regulatory Commission and the order made in D.R.P.No.8 of 2009 dated 26.08.2009.

3. I find force in the said contention. I consciously refrain from going into the details. In this view of the matter, the impugned notice and the impugned order are set aside and the matter is remitted to the file of the seventh respondent. The seventh respondent shall pass a fresh order on merits and in accordance with law after hearing the petitioners. This writ petition stands allowed.



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G.R.SWAMINATHAN, J.

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4. It appears that the impugned order is based on the audit objection. A copy of the same shall be furnished to the petitioner. I make it clear that the seventh respondent can furnish a copy of the audit objection through email and the petitioner shall not adopt any dragging on tactics. The seventh respondent shall pass order within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall appear before the seventh respondent on 24.02.2023 at 3.00 p.m. A copy of the audit objection shall be served to the petitioner by then. The petitioner can take two days time to offer his reply. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2023

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 22.02.2023

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