



W.P.(MD).No.8516 of 2021

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.08.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).No.8516 of 2021**

**and**

**W.M.P.(MD)No.6397 of 2021**

Jaalakshmi Textiles Private Limited,  
HT SC No.157, Puliyuran Road,  
Sempatti, Aruppukottai-626 101,  
represented by its Authorized signature  
R.Ganganna.

... Petitioner

**Vs.**

- 1.The Tamil Nadu Electricity Regulatory  
Commission,  
represented by its Secretary,  
No.19A, Rukmani Lakshmipathy Salai,  
Egmore, Chennai-600 008.
- 2.The Chairman and Managing Director,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
No.144, Anna Salai, Chennai-600 002.
- 3.The Chief Financial Controller/Revenue,  
TANGEDCO,  
No.144, Anna Salai, Chennai-600 002.
- 4.The Superintending Engineer,  
Virudhunagar Electricity Distribution Circle,  
TANGEDCO, Virudhunagar.



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5. The Accounts Officer/Revenue,  
The Superintending Engineer Office,  
Virudhunagar Electricity Distribution Circle,  
TANGEDCO, Virudhunagar.

... 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 impugned CC bills, dated 09.04.2021, insofar as it relates to serial no.20 Adjustment charges alone is concerned to a tune of Rs.12,01,040/- issued by the 5<sup>th</sup> respondent and to quash the same as illegal, arbitrary and against the order of this Court in W.A.No.1241 of 2019, dated 17.07.2019.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan

### **ORDER**

This writ petition has been filed for Writ of Certiorari, to quash the impugned CC bills, dated 09.04.2021, insofar as it relates to Serial No.20 Adjustment charges alone is concerned to a tune of Rs.12,01,040/- issued by the 5<sup>th</sup> respondent as illegal, arbitrary since the same is against the order of this Court in W.A.No.1241 of 2019, dated 17.07.2019.

2. The said adjustment charges was challenged by several consumers in a batch of writ petitions in W.P.(MD)Nos.20954 of 2019 and batch. The said writ



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petitions were allowed in favour of the consumers wherein it was observed that the respondents shall proceed on the basis of the outcome of the order of APTEL in Appeal No.356 of 2017 in accordance to law. Aggrieved over the same, TANGEDCO preferred a writ appeal in W.A.(MD)Nos.1241 of 2019 and the Hon'ble Division Bench vide judgment dated 17.07.2019 has held as under:

*“7. We make it clear, that, in the meanwhile, the Appellant-TANGEDCO will not insist upon the Respondents-Industrial Units for any recovery of the dues on account of the alleged Clarification issued by TNERC on 13.03.2018, nor the Respondents-Industrial Units shall be entitled to any refund or adjustment in this regard of the amounts already paid by them in pursuance of the order, dated 13.03.2018. All these inter se Billing and Recovery or Refund will abide by the final orders, to be passed by APTEL within six months, as indicated above.”*

3. Therefore, this Court is of the considered opinion that the rights of the petitioner and the respondents ought to be considered after the disposal of the appeal which is pending before the APTEL in Appeal No.356 of 2017, until then the respondents are restrained from collecting the amount. After the disposal of the said appeal, the rights of the parties would revive as per the order.



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4. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**24.08.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**S.SRIMATHY, J.**

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