



W.P.(MD).No.11864 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.05.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.11864 of 2023
and
W.M.P.(MD).No.10288 of 2023**

M/s.Shri Govindaraja Mills (P) Ltd Plant 10
Represented by its Director S.Baskar,
HTSC No.226, Melakannamangalam,
Tamilpadi (PO) – 626129,
Aruppukottai.

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai – 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai – 600 002.
- 3.The Director (Finance),
Accounts Branch,
Revenue Division,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.



W.P.(MD).No.11864 of 2023

5. The Assistant Audit Officer,
BOAB/Audit Party No.1,
Tamil Nadu Electricity Board,
Tirunelveli Region,
Tirunelveli – 11.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 4th Respondent in his Demand Notices impugned Demand Notices, in Lr No.SE/VREDC/VDR/DFC/AO/REV/AAO/HT/F/D.No.235/2023 dated 27.03.2023 raising a demand of Rs.1,33,96,501/- insofar as it relates to levy of penalty in the form of excess demand and energy charges towards audit short levy which has been included in the Current Consumption Bill dated 08.05.2023 in Entry Serial No.21 (Adjustment Charges) and quash the same as illegal, arbitrary, without the authority of law and against the orders of the 1st Respondent made in M.P.No.42 of 2008 dated 28.11.2008, Suo Motu Proceedings No.1 of 2009 dated 28.10.2009, D.R.P.Nos.13 & 14 of 2010, M.P.Nos.6, 9 and 17 of 2010 and DRP No.9 of 2010 dated 07.09.2010, RA No.4/2013 dated 25.02.2013 and R.A No.2/2013 dated 29.01.2013.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Deenadhayalan
Standing Counsel.

ORDER

This Writ Petition is filed challenging the penalty imposed on the petitioner for exceeding the fixed energy demand quota.



W.P.(MD).No.11864 of 2023

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2. According to the petitioner, the issue was decided in favour of the consumers by the Hon'ble Supreme Court. However, the learned Standing Counsel appearing for the respondents submitted that they have preferred Review Application in M.P.(MD)No.2 of 2019 before TNERC and the same is pending. Since other litigations ended in favour of the consumers, the respondents cannot demand the same as of now. The respondents shall take a call after the disposal of the Review Application. Until then, the respondents shall not initiate any action to recover the same.

3. In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.05.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 12.05.2023.



W.P.(MD).No.11864 of 2023

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W.P.(MD).No.11864 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.11864 of 2023

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