



W.P(MD)No.14959 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14959 of 2015

and

M.P.(MD)Nos.1 & 2 of 2015

and

W.M.P.(MD)No.7699 of 2019

M/s.Shreenivasa Paper and Boards HTSC No.331,
Represented by its Authorised Signatory E.Muneswaran
S.F.No.399/2A2, K.Thottiapatt Road,
Rajapalayam,
Virudhunagar District.

... 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 Superintending Engineer,
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 Certiorarified Mandamus, to call for the



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records of the 3rd Respondent in his Demand Notice in Lr.No. SE/VREDC/VDR/AO/REV/ASST.1/F.BOAD/D.NO 295/2015 dated 15.04.2015 and Lr.No.SE/VREDC/VDR/AO/REV/ASST.1/F.BOAD/D.NO. 305/2015 dated 17.4.2015 towards audit short levy and quash the same as illegal, arbitrary, without the authority of law and against the communication dated 17.07.2009 issued by the 2nd Respondent 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.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Dheenadhayalan

ORDER

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

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.



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3. In view of the above, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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