



W.P(MD)No.19404 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.19404 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P.(MD)No.2883 of 2019

M/s.Supreme Coated Board Mills (P) Limited,
Represented by its Director Kumaresan,
HT SC No.230,
2/2205, Viswanatham Village,
Sivakasi.

... 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,



W.P(MD)No.19404 of 2015

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 4th Respondent in his Demand Notices impugned Demand Notice, in Lr.No.SE/VREDC/VDR/AO/REV/AS/Asst. 2/F.A.G Audit / D.No.619/14 dated 28.6.2014 raising a demand of Rs.63,63,422/- in so far as it relates to levy of penalty in the form of excess demand and energy charges towards audit short levy 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.No.13 & 14 of 2010, M.P.No.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 and 29.01.2013.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Deenadhayalan

ORDER

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



W.P(MD)No.19404 of 2015

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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 petitions are closed.

29.09.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.19404 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.19404 of 2015

29.09.2023