



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6300 of 2015 AND
M.P.(MD)No.1 of 2015

M/s.Shri Govindaraja Mills Ltd. Unit-II,
Rep. by its Chief Engineer Electrical S.Murugan,
HTSC No.226, Melakannamangalam,
Tamilpadi(PO) – 626 129,
Aruppukottai. ... Petitioner

Vs.

1. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai – 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai – 600 002.
3. The Director (Finance),
Accounts Branch, Revenue Division,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.
5. The Assistant Audit Officer,
BOAB/Audit Party No.1,
Tamil Nadu Electricity Board,
Tirunelveli Region,
Tirunelveli-11. ... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the fourth respondent in his impugned demand notices in Lr.No.SE/VDR/AO/REV/RCS/A.6/F.BOAB AUDIT/SC.No.226/D.No.274/15 dated 08.04.2015 raising a demand of Rs.1,21,81,073/- insofar 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 first respondent made in M.P.No.42 of 2008 dated 28.11.2008, SouMotu proceedings No.1 of 2009 dated 28.10.2009, D.R.P.No.13 and 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 of 2013 dated 25.02.2013 and R.A.No.2 of 2013 dated 29.01.2013.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents: Mr.S.Dheenadayalan,
Standing Counsel.

* * *

ORDER

Challenging the penalty imposed on the petitioner for exceeding the fixed energy demand quota, this writ petition has been filed.



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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.No.2 of 2019 before TNERC and the same is pending. Since the 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.

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

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