



W.P.(MD)No.1704 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.1704 of 2016

and

W.M.P.(MD).Nos.1461 to 1463 of 2016

M/s.Aruppukottai Vijayalakshmi
Textiles Mills Private Limited,
Rep by its Managing Director
R.Renugadevi,
HT SC No.91,
No.4/98, Sankaralingapuram,
Vilathikulam Taluk 628 904,
Tuticorin District.

... Petitioner

Vs.

- 1.Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO)
144, Anna Salai, Chennai 600 002.
- 2.Chief Financial Controller/Revenue,
TANGEDCO
144, Anna Salai, Chennai 600 002.
- 3.The Superintending Engineer,
TANGEDCO
Tuticorin Electricity Distribution Circle,
Tuticorin District.



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4. Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai 600 008.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS. 3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner :Mr.N.Sudalai Muthu

For Respondents :Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging the circular dated 29.07.2013, under which, the Grid Availability Charges and Deemed Demand Charges were made.

2. A batch of Writ Petitions arising a similar issue was allowed by this Court, in favour of the consumers, which are now pending in Writ Appeals in W.A.Nos.2539 and 2540 of 2018. While the Writ Appeals are



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pending, this Court in a batch of Writ Petitions in W.P(MD) Nos.14476 of 2013 etc., has passed an order on 26.02.2020. In paragraph No.7 of the said order, the learned Single Judge has passed an interim order pending Writ Appeal. Paragraph No. 7 of the order reads as follows:-

“7. Considering the submissions of either side and in light of the facts coupled with the interim order passed by the Division Bench, these writ petitions are disposed of with the following directions:

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the Writ Appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the Writ Appeals succeed, subject to the orders/ observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner



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known to law, in the interregnum.

3. The learned counsel appearing on either side admitted that the petitioner is also similarly placed, in which, as that of the respondents in the Writ Appeals.

4. In view of the above said facts, the following order is passed:

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the Writ Appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the Writ Appeals succeed, subject to the orders/ observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.



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5. In view of the the above said directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking Order/Non Speaking Order

sbn

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K.KUMARESH BABU, J.

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