



WP(MD)No.7572 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7572 of 2016
and
WMP(MD)Nos.6333 to 6335 of 2016

Dindigul Cotton Textiles Mills P Ltd.,
HTSC No.194,
B-3, Vivekanantha Nagar,
Dindigul – 624 007, Dindigul District.
Managing Director, R.Damodaran

... Petitioner

v.

- 1.Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
- 2.Chief Financial Controller / Revenue,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Dindigul.



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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the second respondent contained in 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 TNERC.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.S.Dheenadhayalan

ORDER

This writ petition is filed challenging the Circular issued by the second respondent dated 29.07.2013.

2.A batch of writ petitions arising out of the similar issue was allowed by this Court in WP(MD)Nos.14476 of 2013, etc., batch, dated 26.02.2020, in



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favour of the consumers. As against the same, the Department has preferred

appeals in W.A.Nos.2539 & 2540 of 2018, wherein, the Division Bench of

this Court has passed the following interim order:-

“(i) The petitioner is 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 petitioner is 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 petitioner is also entitled to get similar refund, if any, if the first respondent in the Writ Appeals succeed, subject to the orders / observations of the Division Bench.

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

3.In terms of the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

Internet : Yes / No

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B.PUGALENDHI, J.

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