



W.P(MD)No.785 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.785 of 2016

and

W.M.P.(MD) Nos.611 to 613 of 2016

M/s.Subam Paper Private Limited,
Rep. by its Authorized Signatory M.Lakshmi Narayanan,
HT SC.No.162,
S.No.143-146, Vaduganpatti Village,
Nadukallur,
Tirunelveli - 627 010. ...Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai,
Chennai – 600 002.



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2.The Chief Financial Controller/ Revenue,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

4.Tamil Nadu Electricity Regulatory Commission (TNERC)
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
Egmore,
Chennai – 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the second 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.



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For Petitioner : Mr.N.Sudalai Muthu

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the Deemed Demand Charges vide proceedings dated 29.07.2013.

2. When this Writ Petition is taken up for hearing, the learned counsel on either side submits that similar issue has been decided by this Court and considering the pendency of the Writ Appeal preferred by the TANGEDCO, this Court in yet another Writ Petition in W.P(MD)No.19402 of 2013 has taken a decision as follows :

"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



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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.

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.

3. A careful perusal of the orders stated supra and on a careful examination of the facts and circumstances of the case and having heard the submissions of the respective counsels, this Court is of the opinion that the issue raised in this Writ Petition is squarely



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covered by the above orders stated supra and the same relief has to be granted in favour of the petitioner.

4. 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.

04.10.2023

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

RM



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B.PUGALENDHI, J.

RM

Order made in
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