



W.P.No.16539 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.16539 of 2009
and
M.P.Nos. 1 & 2 of 2009

Sri Kaderi Ambal Mills Ltd.,
(A&B) Unit H.T.Sc.No.46 and 75
Shanmuganathapuram-630 374,
Sivaganga District, rep. by its
Managing Director
S.V. Pethapeumal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Energy Department,
Fort St. George,
Chennai-600 009.

2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600002.

3. M/. Kaveri Gas Power Ltd.,
5/3, Ranganathan Gardens,
Anna Naar, Chennai-600 040.



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4. Tamilnadu Electricity Regulatory Commission,
19-A, Rukini Lakshmipathy Salai,
(Marchalls Road),
Egmore, Chennai-600 008.
Rep. by its Secretary.

5. The Superintending Engineer,
Sivaganga Electricity District Circle,
Tamil Nadu Electricity Board,
Sivaganga-60 562.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring para 5.22.3 of Order No. 2 dated 15.5.2006 under which the second respondent is levying and collecting /outage/backup power charges from the petitioner who is an existing consumer of the 2nd respondent as illegal, arbitrary and unconstitutional and consequently direct the respondent to refund the amounts collected under the said head.

For Petitioner : Mr.S.P.Parthasarathy for
Mr.K.Seshadri

For Respondents : Mr.D.Gopal, Govt. Advocate (for R1);

Mr.P.Wilson, Senior Counsel for
Mr.S.Madhusudan, Senior Counsel
(for R2, R4 & R5);

No Appearance (for R3).



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ORDER

WEB COPY (*Order of the Court was delivered by S.M.Subramaniam J.*)

The learned counsel for the writ petitioner would contend that Tamil Nadu Electricity Regulatory Commission passed an order in M.P.No.3 of 2008 dated 15.07.2008. As per the said order of the Regulatory Commission, the billing charges made by the respondent is violative of the order of the Regulatory Commission. The learned counsel for the petitioner would further submit that a liberty may be granted to institute further action under Section 142 of the Electricity Act and the petitioner may be permitted to withdraw the writ petition.

2. Considering the said submissions, it is left open to the petitioner to redress his grievances in the manner known to law. Accordingly, the writ petition stands dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(C.K.J.,)

13.06.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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