



W.A.Nos.2513, 2514, 2515, 2516 & 2517 of 2010

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.A.Nos.2513, 2514, 2515, 2516 & 2517 of 2010
and
M.P.Nos.1, 1, 1, 1 & 1 of 2010

[W.A.No.2513 of 2010
and M.P.No.1 of 2010]

M/S Brakes India Ltd.,
Rep. by Executive Director,
MTH Road, Padi,
Chennai-600 050.

... Appellant

Vs.

1. State Of Tamil Nadu,
Rep. by Secretary,
Dept. Of Energy,
Fort St. George,
Chennai-9.

2. The Chairman,
Tamilnadu Electricity Board (TNEB)
NPKRR Maligai,
Anna Salai, Chennai-2.

3. Sai Regency Power Corpn. Pvt. Ltd.
No.3, II Floor, Crown Court,
128, Cathedral Road,



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Chennai-86.

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4. Tamil Nadu Electricity Regulatory Commissioner (TNERC)

Rep. by the Secretary,

Having Office at :

19-A, Rukmini Lakshmipathi Salai,

Egmore, Chennai-8.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer the memorandum of grounds of writ appeal against the order passed by His Lordship, Mr.Justice K.Chandru, dated 08.12.2009 made in W.P.No.12594 of 2009 on the file of the Hon'ble High Court, Madras

For Appellant : Mr.E.Manoharan

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader (for R1);

: Mr.S.Wilson, Senior Counsel for
Mr.S.Madusudanan, Senior Counsel
for TNEB (for R2 & R4);

: No Appearance (for R3).

**[W.A.No.2514 of 2010
and M.P.No.1 of 2010]**

M/s. Harshni Textiles Ltd.,
Rep. by its Manager-Finance,
No.504, Avanashi Road,
Peelamedu, Coimbatore-641 004.

... Appellant



W.A.Nos.2513, 2514, 2515, 2516 & 2517 of 2010

Vs.

1. State of Tamil Nadu,
Rep. by Secretary,
Dept. Of Energy,
Fort St. George,
Chennai-9.

2. The Chairman,
Tamilnadu Electricity Board (TNEB)
NPKRR Maligai,
Anna Salai, Chennai-2.

3. Sai Regency Power Corpn. Pvt. Ltd.
No.3, II Floor, Crown Court,
128, Cathedral Road,
Chennai-86.

4. Tamil Nadu Electricity Regulatory Commissioner (TNERC)
Rep. by the Secretary,
Having Office at :
19-A, Rukmini Lakshmipathi Salai,
Egmore, Chennai-8.

5. The Superintending Engineer,
Udumalpet Electricity District,
Circle, Udumalpet.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer the memorandum of grounds of writ appeal against the order passed by His Lordship, Mr.Justice K.Chandru, dated 08.12.2009 made in W.P.No.14812 of 2009 on the file of the Hon'ble High Court, Madras.



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For Appellant : Mr.E.Manoharan

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader (for R1);

: Mr.S.Wilson, Senior Counsel for
Mr.S.Madusudanan, Senior Counsel
for TNEB (for R2, R4 & R5);

: No Appearance (for R3).

**[W.A.No.2515 of 2010
and M.P.No.1 of 2010]**

M/s. Orchid Chemicals & Pharmaceuticals Ltd.,
Rep. by General manager – Legal and Co.Secretary,
Orchid Towers,
No.313, Valluvarkottam High Road,
Nungambakkam,
Chennai – 600034.

... Appellant

Vs.

1. State of Tamil Nadu,
Rep. by Secretary,
Dept. Of Energy,
Fort St. George,
Chennai-9.

2. The Chairman,
Tamilnadu Electricity Board (TNEB)
NPKRR Maligai,
Anna Salai, Chennai-2.

3. Sai Regency Power Corpn. Pvt. Ltd.
No.3, II Floor, Crown Court,
128, Cathedral Road, Chennai-86.



W.A.Nos.2513, 2514, 2515, 2516 & 2517 of 2010

4. Tamil Nadu Electricity Regulatory Commissioner (TNERC)

Rep. by the Secretary,

Having Office at :

19-A, Rukmini Lakshmipathi Salai,

Egmore, Chennai-8.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer the memorandum of grounds of writ appeal against the order passed by His Lordship, Mr.Justice K.Chandru, dated 08.12.2009 made in W.P.No.12603 of 2009 on the file of the Hon'ble High Court, Madras.

For Appellant : Mr.E.Manoharan

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader (for R1);

: Mr.S.Wilson, Senior Counsel for
Mr.S.Madusudanan, Senior Counsel
for TNEB (for R2 & R4);

: No Appearance (for R3).

**[W.A.No.2516 of 2010
and M.P.No.1 of 2010]**

M/s. Jagannath Textile Co.Limited,
Rep. by its Authorised Signatory,
No.23 & 23/1, East Periyasamy Road,
R.S.Puram, Coimbatore-641002.

... Appellant

Vs.



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1. State of Tamil Nadu,
Rep. by Secretary,
Dept. Of Energy,
Fort St. George,
Chennai-9.

2. The Chairman,
Tamilnadu Electricity Board (TNEB)
NPKRR Maligai,
Anna Salai, Chennai-2.

3. Sai Regency Power Corporation. Pvt. Ltd.
No.3, II Floor, Crown Court,
128, Cathedral Road,
Chennai-86.

4. Tamil Nadu Electricity Regulatory Commissioner (TNERC)
Rep. by the Secretary,
Having Office at :
19-A, Rukmini Lakshmipathi Salai,
Egmore, Chennai-8.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer the memorandum of grounds of writ appeal against the order passed by His Lordship, Mr.Justice K.Chandru, dated 08.12.2009 made in W.P.No.12604 of 2009 on the file of the Hon'ble High Court, Madras.

For Appellant : Mr.E.Manoharan

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader (for R1);

: Mr.S.Wilson, Senior Counsel for
Mr.S.Madusudanan, Senior Counsel
for TNEB (for R2 & R4);



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: No Appearance (for R3).

**[W.A.No.2517 of 2010
and M.P.No.1 of 2010]**

M/s. The Lakshmi Mills Company Ltd.,
Rep. by General manager,
686, Avanashi Road,
Pappanaickenpalayam,
Coimbatore – 641037.

... Appellant

Vs.

1. State of Tamil Nadu,
Rep. by Secretary,
Dept. Of Energy,
Fort St. George,
Chennai-9.

2. The Chairman,
Tamilnadu Electricity Board (TNEB)
NPKRR Maligai,
Anna Salai, Chennai-2.

3. Sai Regency Power Corporation. Pvt. Ltd.
No.3, II Floor, Crown Court,
128, Cathedral Road,
Chennai-86.

4. Tamil Nadu Electricity Regulatory Commissioner (TNERC)
Rep. by the Secretary,
Having Office at :
19-A, Rukmini Lakshmipathi Salai,
Egmore, Chennai-8.

... Respondents



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Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer the memorandum of grounds of writ appeal against the order passed by His Lordship, Mr.Justice K.Chandru, dated 08.12.2009 made in W.P.No.12605 of 2009 on the file of the Hon'ble High Court, Madras.

For Appellant : Mr.E.Manoharan

For Respondents : Mr.S.John J.Raja Singh,
Additional Government Pleader (for R1);

: Mr.S.Wilson, Senior Counsel for
Mr.S.Madusudanan, Senior Counsel
for TNEB (for R2 & R4);

: No Appearance (for R3).

COMMON JUDGEMENT

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ order dated 08.12.2009 in a batch of writ petitions are under challenge in the present writ appeals. The writ petitioners are the appellants before us.

2. The learned counsel for the appellants would submit that the billing charges demanded by the respondent TANGEDCO is violative of the



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regulations and further running counter to the principles settled by the Tamil Nadu Electricity Regulatory Commission.

3. Per contra, the learned Senior Counsel Mr.S.Wilson, appearing on behalf of the respondent TANGEDCO would oppose by stating that the respondents are empowered to recover outage charges as per the regulations which was elaborately considered by the learned Single Judge in the writ order which is impugned.

4. After hearing the parties for a considerable length of time, we found that there is no dispute regarding the fact that the appellants are the consumers. The factual disputes cannot be adjudicated by the Writ Court. The usage of grid, providing open excess to the consumers, require some factual adjudication. Therefore, the appellants are at liberty to approach the Consumer Grievances Forum under Section 42(5) of the Electricity Act, read with Clause 18 of Electricity Supply Code.

5. It is brought to the Notice of this Court that the petitioner has got an alternate option to invoke Section 142, read with Section 146 of the Electricity Act, based on the orders passed by the Tamil Nadu Electricity



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Regulatory Commission. It is left open to the appellants to work out their remedy in the manner known to law.

6. With this liberty, the writ appeals are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(C.K.J.,)

13.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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5. The Superintending Engineer,
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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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