



WEB COPY

W.P.No.6533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6533 of 2024

and

W.M.P.No.7263 of 2024

Century Flour Mills Private Ltd.,
Indian Chamber Buildings,
First Floor, No.6, Esplanade,
Chennai, Tamil Nadu 600 104.

.. Petitioner

VS

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

2.Chief Financial Controller (CFC), TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
Non-Conventional Energy Sources (NCES),
TANGEDCO, 2nd Floor, Eastern Wing,
144, Anna Salai,
Chennai – 600 002.

4.The Superintending Engineer,
TANGEDCO, Chennai EDC (Central),
Chennai – 600 034.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents and their men, agents not to collect current consumption charges, demand charges, and any arrears from the petitioner for the consumption in HTSC No.019094022140 till the payment or adjustment of the entire outstanding dues of Rs.60,03,120/- being the sum payable to the petitioner in furtherance of the order of the Hon'ble Supreme Court in Civil Appeal No. 15618/2017 – Tangedco Vs. Century Flour Mills Ltd., & Anr. judgment dated 26.08.2022, and pay further interest at 12% on such dues till the full payment or adjustment.

For Petitioner : Ms.Tejaswini C.B.
for Mr.Rahul Balaji

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh
Standing Counsel

ORDER

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, accepts notice for the respondents and is armed with instructions to enable final disposal even at the stage of admission.

2.The petitioner prays for a mandamus directing the respondents not to collect current consumption charges, demand charges or arrears from the petitioner for consumption in HTSC No.019094022140 till payment or adjustment of the entire outstanding dues of a sum of Rs.60,03,120/-, relying upon a judgment of the Hon'ble Supreme Court



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in *TANGEDCO v. Century Flour Mills Ltd. & Anr.*, in Civil Appeal No.15618 of 2017 dated 26.08.2022.

3. The above judgment confirms an order passed by the TNERC in D.R.P.No.19 of 2013 dated 19.01.2015 in the case of *Century Floor Mills Pvt Ltd*, the petitioner herein, and the relevant observation of the TNERC reads as follows:

“5.7....

.....

“Applying the above principle in this case, we order that the TANGEDCO shall first adjust the wheeled energy generated from the petitioner's WEG under REC scheme which has an adjustment or banking period of one month and then adjust the energy generated from other captive / third party generators which have a banking period of one year. The TANGEDCO is directed to revise the bill of the petitioner based on the energy adjustment priority specified in this order and settle the account within a period of three months from the date of issue of this order”.

4. Ms. Keerthana would accede to the position that this order has attained finality and is applicable on all fours to the petitioner's case, particularly in view of the identity of the parties in the Civil Appeal before the Supreme Court and in this Writ petition. In fact, this Court, in decision dated 22.11.2022 in WP.No.29301 of 2015 in the case of *Opulent Ventures Private Limited v. TANGEDCO and others* has extended the ratio of the judgment of the Supreme Court in the case of



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Century Flour Mills to other parties as well. Hence, mandamus is issued, as sought for, not to collect current consumption charges or any arrears for consumption of HTSC No.019094022140 till the outstandings, of a sum of Rs.60,03,120/- along with interest @ 12%, is exhausted.

5.This writ petition stands allowed. No costs. Connected miscellaneous petition is closed.

13.03.2024

Index:Yes/No
Speaking Order
Neutral Citation:Yes
vs

To

- 1.The Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO),
Rep. By its Chairman & Managing Director,
144, Anna Salai, Chennai – 600 002.
- 2.Chief Financial Controller (CFC), TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Engineer,
Non-Conventional Energy Sources (NCES),
TANGEDCO, 2nd Floor, Eastern Wing,
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Chennai – 600 002.
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