



WMP.No.9832 of 2024 in
WP.No.6533 of 2024 and
WMP.No.7263 of 2024

Dr.ANITA SUMANTH,J.

This miscellaneous petition is filed seeking recall of order dated 13.03.2024 passed in WP.No.6533 of 2024.

2.Ms.Keerthana Shenoi, learned counsel appears on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel for the respondents and has sufficient instructions in the matter.

3.The amendment sought in order dated 13.03.2024 arises from a mistake committed by the petitioner in drafting of the prayer in the writ petition seeking adjustment of outstanding dues of a sum of Rs.60,03,120/-. In the present miscellaneous petition, the petitioner states that the amount ought to read Rs.1,08,64,539/- (Rs.48,61,419/- being the principal and Rs.60,03,120/- being the interest) and not Rs.60,03,120/-.

4.It appears that the principal amount has been omitted to be mentioned in the prayer as originally drafted.

5.Ms.Shenoi would request that the authorities be given an opportunity to verify the computation and the amount as stipulated in the miscellaneous petition. Hence, order dated 13.03.2024 is recalled and shall now read as follows:

'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.



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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 outstanding dues computed by the petitioner at a figure of Rs.1,08,64,539/-, (subject to verification by R2), relying upon a judgment of the Hon'ble Supreme Court 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,



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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 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 outstanding of a sum of Rs.1,08,64,539/- subject to verification by R2, along with interest @ 12%, is exhausted.

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

6.WMP.No.9832 of 2024 is ordered.

16.04.2024

VS



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Dr.ANITA SUMAN, I.L.J.

VS

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