



W.P.Nos.11963, 11967 & 11969 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11963, 11967 & 11969 of 2021 and
WMP.Nos.12726, 12729, 12737, 12738, 12733 & 12734 of 2021

WP.No.11963 of 2021

M/s.Dharani Sugars and Chemicals Ltd.,
Rep. By its Associate Director – Legal B.Naagarajan,
Karaipoondi Village,
Polur Taluk,
Thiruvannamalai District
(HTSC No.29)

... Petitioner

Vs.

1.The Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. By its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002
2.The Superintending Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records of the second



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respondent herein bearing letter Lr.No.SE/TEDC/AO/Rev./

RCS/A1/F.AUDIT/D.076-29/2021 dated 20.04.2021, quash the same.

For Petitioner : M/s.P.T.Ramadevi

For Respondents : Mrs.Danial Mary,
Standing Counsel

WP.No.11969 of 2021

M/s.Dharani Sugars and Chemicals Ltd.,
Rep. By its Associate Director – Legal B.Naagarajan,
Karaipoondi Village,
Polur Taluk,
Thiruvannamalai District
(HTSC No.29)

... Petitioner

Vs.

1.The Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. By its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002
2.The Superintending Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records of the second
respondent herein bearing letter Lr.No.SE/TEDC/AO/Rev./
RCS/A1/F.AUDIT/D.076-32/2021 dated 20.04.2021, quash the same.



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For Petitioner : M/s.P.T.Ramadevi

For Respondents : Mrs.Danial Mary,
Standing Counsel

WP.No.11967 of 2021

M/s.Dharani Sugars and Chemicals Ltd.,
Rep. By its Associate Director – Legal B.Naagarajan,
Karaipoondi Village,
Polur Taluk,
Thiruvannamalai District
(HTSC No.29)

... Petitioner

Vs.

- 1.The Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. By its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002
- 2.The Superintending Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604
- 3.The Accounts Officer/Revenue,
Office of the Superintending Engineer,
TANGEDCO, Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604
- 4.The Tamilnadu Electricity Regulatory Commission,
Rep. By its Secretary,
No.19-A, Ruckmani Lakshmipathi Salai,
Nungambakkam, Chennai 600 008

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records of the second



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respondent herein relating to letter bearing No.Lr.No.SE/TEDC/ AO/Rev./
RCS/A1/F.AUDIT/D.076-27/2021 dated 20.04.2021, quash the same.

For Petitioner : M/s.P.T.Ramadevi

For Respondents : Mrs.Danial Mary,
Standing Counsel

COMMON ORDER

These writ petitions have been filed for Writ of Certiorari, to
quash the letter of the second respondent dated 20.04.2021.

2. The adjustment charges was challenged by several consumers in a batch of writ petitions in W.P.(MD)Nos.20954 of 2019 and batch. The said writ petitions were allowed in favour of the consumers wherein it was observed that the respondents shall proceed on the basis of the outcome of the order of APTEL in Appeal No.356 of 2017 in accordance to law. Aggrieved over the same, TANGEDCO preferred a writ appeal in W.A.(MD)Nos.1241 of 2019 and the Hon'ble Division Bench vide judgment dated 17.07.2019 has held as under:



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“5. In view of the fact that all the issues raised in the present litigation before this Court can very well be decided by the Appellate Tribunal, namely, APTEL, under the provisions of the Electricity Act, 2003, we refrain from expressing any opinion on the rival contentions. We, therefore, relegate the parties to the said Appellate Forum, namely, Appellate Tribunal for Electricity (APTEL). If the Respondents-writ petitioners-Industrial Units intend to challenge the order of TNERC, dated 13.03.2018, before APTEL, they are given liberty to file appeals against the said order even now. If such appeals are filed within three months from today, without raising any objection as to limitation, we request the learned APTEL to entertain such Appeals and decide the same on merits, along with Appeal No.356 of 2017, filed by TASMA.

6. In view of the urgency of the matter and the issues involved before APTEL affecting large number of Industrial Units, to avoid any further confusion, we request the learned APTEL to decide the pending appeals, if any filed as stated above, and Appeal No.356 of 2017 within a period of six months from today, after giving an opportunity of hearing to all the



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parties concerned.

7. We make it clear, that, in the meanwhile, the Appellant- TANGEDCO will not insist upon the Respondents-Industrial Units for any recovery of the dues on account of the alleged Clarification issued by TNERC on 13.03.2018, nor the Respondents~Industrial Units shall be entitled to any refund or adjustment in this regard of the amounts already paid by them in pursuance of the order, dated 13.03.2018. All these inter se Billing and Recovery or Refund will abide by the final orders, to be passed by APTEL within six months, as indicated above.”

3. Therefore, this Court is of the considered opinion that the rights of the petitioner and the respondents ought to be considered after the disposal of the appeal which is pending before the APTEL in Appeal No.356 of 2017, until then the respondents are restrained from collecting the amount. After the disposal of the said appeal, the rights of the parties would revive as per the order.



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4. With the above said observation, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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To

1. Chairman and Managing Director,
The Tamilnadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai 600 002
2. The Superintending Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604
3. The Accounts Officer/Revenue,
Office of the Superintending Engineer,
TANGEDCO, Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai 606 604
4. Secretary,
The Tamilnadu Electricity Regulatory Commission,
No.19-A, Ruckmani Lakshmipathi Salai,
Nungambakkam, Chennai 600 008



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G.K.ILANTHIRAIYAN, J.

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