



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.16158 of 2022
and WMP.No.15535 of 2022

M/s.Umasankar Alloys Pvt. Ltd.,
Rep. By its Director,
M.nandakumar,
Plot No.39, SIPCOT (Phase-II)
Industrial Complex,
Hosur-635 109.

... Petitioner

Vs

1. The Chairman
TANGEDCO,
10th Floor, NPKRR Maaligai,
144, Annasalai, Chennai-6.

2. The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri District.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refund Rs.5,38,34,213/- collected from the petitioner under mistake prior to 31.03.2016, after adjusting the consumption charges of Rs.1,86,03,058/-



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demanded by the second respondent in Lr.No.SE/KEDC/K.Gri/DFC/AO/AAO-HT/AS/F.HT SC.347/D.371/2022 dated 21.04.2022 and to pay the balance of Rs.3,52,31,155/- by considering the petitioner's representation dated 12.01.2022 and 09.03.2022.

For Petitioner : Mr. N.Manokaran

For Respondent : Mr.S.Madhusudhanan,
Standing Counsel RR1 & 2

ORDER

This petition has been filed seeking a direction to the respondents to refund Rs.5,38,34,213/- collected from the petitioner under mistake prior to 31.03.2016, after adjusting the consumption charges of Rs.1,86,03,058/- demanded by the second respondent in Lr.No. SE/KEDC/K.Gri/DFC/AO/AAO-HT/AS/F. HT SC.347/D.371/2022 dated 21.04.2022 and to pay the balance of Rs.3,52,31,155/- by considering the petitioner's representation dated 12.01.2022 and 09.03.2022.

2. It is the case of the petitioner that the petitioner is a company, which is functioning in the land allotted by the SIPCOT from the year 1994. The company is provided with HT electricity supply. The second respondent had issued a demand notice on 11.06.2015 claiming Rs.7,48,09,660/-



towards short levy charges and he was compelling need to remit Rs.1,16,75,909/- to the second respondent and also paid further sum of Rs.4,49,80,886/- as against the total dispute demand of Rs.7,45,09,660/-. The petitioner gave a representation to the respondents on 31.03.2016 and filed W.P.No.12766 of 2016. This Court vide its order dated 05.04.2016 directed the second respondent herein to rehear the matter afresh within a period of three months, for which, the second respondent passed an order dated 31.08.2016 by directing the petitioner to pay the disputed balance consumption charges of Rs.2,15,03,220/- for the period between June 2014 and March 2015. Challenging the said order passed by the respondents, the petitioner has filed W.P.No.31997/2016 before this Court. Due to covid-19 the petitioner topped the industry from the month of December 2021. The petitioner has sent a representation on 12.01.2022 to the second respondent to disconnect the subject matter HTSC 347 temporarily from January 2022 and given an undertaking to pay the minimum charges of 20%. The petitioner has submitted a representation on 09.03.2022 to the second respondent to refund the above payment of Rs.5,38,34,213/-. The second respondent has issued a demand notice on 21.04.2022 by directing the



petitioner to pay the consumption charges and the belated payment surcharge at 1.5% per month between september 2021 and march 2022 to the tune of Rs.1,86,03,058/-. The respondents cannot indulge in arm-twisting attitude to extract the consumption charges instead of adjusting the said sum of Rs.1,86,03,058/- from Rs.5,38,34,213/- which is not been refunded. After adjusting the said use, the respondents are bound to refund the remaining balance amount of Rs.3,52,31,155/- to the petitioner. Aggrieved over the same, the petitioner has filed the present writ petition seeking with the aforesaid prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider and pass orders on the petitioner's representation within the time frame as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents submitted that the representation will be considered and appropriate orders will be passed on the petitioner's representation on merits within the stipulated time as fixed by this Court.



5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the second respondent to consider and pass orders on the petitioner's representation dated 12.01.2022 after providing opportunity to the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2024

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Index:Yes/No

Internet:Yes/No

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M.DHANDAPANI, J.

Rli

To

1. The Chairman
TANGEDCO,
10th Floor, NPKRR Maaligai,
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