



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.07.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.18805 of 2024
& WMP.No.20633 of 2024

Nalco Metal Products Limited
represented by its Chief Executive Officer,
Mr.Kasirajan.A
No.89, Maravankulam, Thirumangalam 625 706
Madurai District, Tamil Nadu

... Petitioner

Vs

- 1 The Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO)
represented by its Chairman & Managing Director,
144, Anna Salai,
Chennai – 600 002.
- 2 Director – Finance,
The Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai,
Chennai – 600 002.
- 3 The Chief Financial Controller, (Revenue)
The Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai,
Chennai – 600 002.
- 4 The Superintending Engineer, (TANGEDCO),
Kanyakumari Electricity Distribution Circle,
Kanyakumari, Tamil Nadu.



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5 The Superintending Engineer, (TANGEDCO),
Dindigul Electricity Distribution Circle,
Dindigul, Tamil Nadu.

6 The Tamil Nadu Electricity Regulatory Commission,
SIPCOT Industrial Park, Guindy, Chennai.

.... Respondents

PRAYER: Writ 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 until the respondents make payment of the outstanding dues of Rs.3,02,975/- (Rupees Three Lakhs Two Thousand Nine Hundred and Seventy Five only), payable to the petitioner towards the interests on delayed payments for the power supplied thereon calculated at 1% per month payable from the time such sums fell due, thereby calculated at 12% for the delays caused for the financial year 2007-2008 and 2013-2014, along with interest dues thereon till the date of complete payment or adjustment in the current consumption charges payable by the petitioner at its WEG bearing HTSc.No.059094500028 in Dindigul EDC.

For Petitioner	: Mr.Rahul Balaji
For Respondents	: Mr.Madhusudanan Standing Counsel

ORDER

Mr.Madhusudhanan, learned counsel, who accepts notice for the respondents/officials of Tangedco, would accede to the position that the prayer



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sought for by the petitioner, being a writ of Mandamus directing the respondents not to collect current consumption charges, demand charges and any arrears from the petitioner until the respondents make payment of the outstanding dues of Rs.3,02,975/- , payable to the petitioner towards the interests on delayed payments for the power supplied thereon for the financial year 2007-2008 and 2013-2014, is liable to be accepted.

2. My attention is drawn by both learned counsel to orders of the Hon'ble Supreme Court in I.A.No.4 of 2016 in Civil Appeal No.2937 of 2014 dated 08.07.2016 [*Chairman, Tamil Nadu Electricity Board V. Indian Wind Power Association*], which has been followed subsequently by this Court in W.P.No.22406 of 2017 dated 08.12.2021 (*Indian Wind Power Association V. Tamil Nadu Generation and Distribution, Corporation Ltd.*), where under the respondents have been directed to pay interest at 10%, wherever there is a delay of more than 60 days in settling the dues to the petitioner. This Court also made it clear that if the petitioner makes any claim seeking interest more than 10%, the respondents are always at liberty to consider and decide the same in accordance with law.

3. In light of the same, the prayer of the writ petitioner is liable to be acceded to and mandamus is issued as sought for.



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4. Writ Petition stands allowed in terms of this order. No costs.

Connected Miscellaneous Petitions is closed.

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Index : Yes / No

Speaking order

(½)

Neutral citations: Yes

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To

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