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W.A.Nos.354, 351, 355 and 357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

W.A.Nos.354, 351, 355 and 357 of 2024

W.A.No.354 of 2024:

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
rep. by its Chairman,
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.
- 2.The Chief Finance Controller/Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
CEDC/North, TANGEDCO,
144, Anna Salai,
Chennai-600 002.
- 4.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.



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5.State Load Despatch Centre,
C/o.TANTRANSCO,
144, Anna Salai,
Chennai-600 002.

.. Appellants

Vs

Sree Rengaraj Ispat Industries P. Ltd.,
Plot No.MM 1, 2 and 5,
SIPCOT Industrial Growth Centre,
Perundurai-638 052,
rep. by its Director S.Shyam Sundar.

.. Respondent

W.A.No.351 of 2024:

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
rep. by its Chairman,
NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
CEDC/North, TANGEDCO,
144, Anna Salai,
Chennai-600 002.

3.Tamil Nadu Transmission Corporation Ltd.,
TANTRANSCO,
rep. by its Managing Director,
144, Anna Salai, Chennai-600 002.

4.The Superintending Engineer,
Commercial Operation, TANTRANSCO,
144, Anna Salai, Chennai-600 002.

.. Appellants

Vs



W.A.Nos.354, 351, 355 and 357 of 2024

Birla Carbon India Private Limited
formerly known as SKI Carbon Black
(India) Pvt. Ltd.,
K-16, Phase II, SIPCOT Industrial Complex,
P.O. Gummidipoondi, Thiruvallur District,
Tamil Nadu 601 201.

.. Respondent

W.A.No.355 of 2024:

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
rep. by its Chairman,
NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002.
- 2.The Chief Finance Controller/Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
CEDC/North, Chennai-600 002.
- 4.Tamil Nadu Transmission Company (TANTRANSCO),
144, Anna Salai, Chennai-600 002.
- 5.State Load Despatch Centre,
C/o.TANTRANSCO,
144, Anna Salai,
Chennai-600 002.

.. Appellants

Vs

ARS Energy Private Limited,
rep. by its Deputy Director – Finance
D-109, 4th Floor, LBR Complex,
Anna Nagar East,
Chennai – 102.

.. Respondent



W.A.Nos.354, 351, 355 and 357 of 2024

W.A.No.357 of 2024:

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
rep. by its Chairman,
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.
- 2.The Chief Finance Controller/Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
CEDC/North, TANGEDCO,
144, Anna Salai,
Chennai-600 002.
- 4.Tamil Nadu Transmission Corporation Ltd.,
TANTRANSCO,
rep. by it Managing Director,
144, Anna Salai, Chennai-600 002.
- 5.State Load Despatch Centre,
C/o.TANTRANSCO,
144, Anna Salai,
Chennai-600 002.

.. Appellants

Vs

OPG Power Generation Private Limited,
OPG Nagar, Periya Obalapuram Village,
Nagaraja Kandigai, Madharapakkam Road,
Gummidipoondi Thiruvallur,
Tamil Nadu – 601 201.

.. Respondent



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Prayer : Appeals under Clause 15 of the Letters Patent against the orders dated 21.12.2021 made in W.P.Nos.23486, 21050 and 19753 of 2021 and dated 1.2.2022 made in W.P.No.1199 of 2022 by the learned Single Judge.

For the Appellants : Mr.D.R.Arun Kumar

For the Respondent : Mr.R.S.Pandiyaraj
in W.A.No.354/2024

For the Respondents : Mr.Rahul Balaji
in W.A.Nos.351, 355
and 357 of 2024

COMMON JUDGMENT
(Delivered by *the Hon'ble Chief Justice*)

We have heard Mr.D.R.Arun Kumar, learned counsel for the appellants; Mr.R.S.Pandiyaraj, learned counsel for the respondent in W.A.No.354 of 2024; and, Mr.Rahul Balaji, learned counsel for the respondents in W.A.Nos.351, 355 and 357 of 2024.

2. Learned counsel for the appellants submits that the impugned orders are passed on the premise that the present appellants have not filed appeals against the orders passed by the



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Tamil Nadu Electricity Regulatory Commission, wherein the present respondents/original writ petitioners are required to be refunded the amount. Now, the appeals have been filed. The delay is condoned. The appeals are being numbered.

3. Learned counsel for the respondents/original writ petitioners submit that in the appeals filed by the present appellants before the Appellate Tribunal for Electricity, the appellants did not press for interim orders. It is also submitted that in respect of some of the users, the amount is refunded by the appellants.

4. As no appeal was filed for over 1½ year, the learned Single Judge directed the appellants to implement the order passed by the Tamil Nadu Electricity Regulatory Commission.

5. In the light of the above, we are not inclined to entertain the present appeals. We would only observe that the amount refunded would be subject to the decision of the Appellate Tribunal for Electricity in the appeals filed by the appellants.



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The writ appeals are disposed of accordingly. There shall be no order as to costs. Consequently, C.M.P.Nos.2220, 2267, 2274 and 2261 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

05.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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05.02.2024