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W.P.No.27814 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

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

W.P.No.27814 of 2019

and

W.M.P.Nos.27364 & 27365 of 2019

M/s.Vaibhav Mercantile Ltd.,
H.T.SC.No.019094041648
Thervaikandigam,
Gummidipoondi,
Tiruvallur-601 201.
Rep.by its Managing Director,
R.Prathap Singh

... Petitioner

-Vs-

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.(TANGEDCO),
144, Anna Salai,
Chennai-600002.

2.The Chief Financial Controller/Revenue
TANGEDCO, (Accounts Branch)
144, Anna Salai,
Chennai-600002.

3.The Tamil Nadu Electricity Regulatory Commission,
Rep.by its Secretary,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.



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4.The Superintendent Engineer,
Chennai Electricity Distribution Circle (North),
TANGEDCO,
144, Anna Salai,
Chennai-600002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/12 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and to quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of TNERC.



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2. Heard the learned counsel for the Petitioner and learned Standing Counsel for the respondents.

3. Aggrieved by the withdrawal of deemed demand benefit extended to the petitioner by the respondents and consequent demand of charge, the present writ petition is filed.

4. When a writ petition is filed before this Court, challenging the withdrawal of concession of the deemed demand charges, the Learned Single Judge of this Court upheld and quashed the impugned order.

5. Aggrieved by that the respondent /TANGEDCO preferred an appeal in W.A.No.2539 of 2018 and the same is pending before the Division Bench of this Court. The Division Bench, on 19.11.2018, while admitting the appeal preferred by the respondent has directed the third parties to pay 50% of demand made pursuant to the impugned notice.

6. It is submitted by the learned counsel for the petitioner as well as the respondents that the said Writ Appeal is pending.



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7. In the light of the interim order passed by this Court, on line with the interim order passed by the Division Bench, the petitioner has paid 50% of the deemed demand charges.

8. Recording the same, this writ petition is disposed of with a direction that the petitioner is liable to pay the balance deemed demand charges, if the Writ Appeal filed by the respondent is allowed and he shall abide by any order passed by the Division Bench. Till the disposal of the Writ Appeal, the petitioner shall continue to pay 50% of deemed demand charges.

9. This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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