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W.P.No.30207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.30207 of 2024
and W.M.P.No.32892 of 2024**

M/s.Sri Devi Cinemas (P) Ltd.,
Represented by its Director,
Mr.C.T.Ramanathan
Petitioner

...

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.
- 2.The Chief Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Tirunelveli EDC, Tirunelveli-627 011.
- 4.The Superintending Engineer,
AO (Revenue Department)



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Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Tirunelveli EDC,
Tirunelveli-627 011.

5.The Superintending Engineer,
C.E.D.C./Chennai Central, TANGEDCO,
Valluvarkottam, Chennai-600 034.
....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents forthwith to make the payment a sum of Rs.9,00,624/- to the petitioner as per invoice No.01/2023-2024 dated 20.05.2024 or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.L.Jai Venkatesh

ORDER

This Writ Petition has been filed to direct the respondents forthwith to make a sum of Rs.9,00,624/- to the petitioner as per invoice No.01/2023-2024 dated 20.05.2024 or give adjustment in the current consumption charges payable by the petitioner till the entire amount



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is adjusted.

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2. The case of the petitioner is that the petitioner Company was registered under the Companies Act and has installed two Wind Energy Generators at S.F.No.637/2A, part of Dhanakarkulam Village, Radhapuram Taluk, Tirunelveli District. The petitioner raised invoice No.01/2023-2024 dated 20.05.2024 for a sum of Rs.9,00,624/- for the sale of surplus energy for the period 2023-2024 and rolled over units in respect of WEG HTSC No.2639 available after adjustment in petitioner's HTSC.No.2188 Chennai EDC (Central) and the petitioner also made representation on 20.05.2024 to the third respondent requesting to pay the amount due to them and despite, the third respondent had not paid the amount. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the third respondent is directed to dispose of the representation of the petitioner, dated 20.05.2024, on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the third respondent to consider the representation of the petitioner, dated 20.05.2024 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

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This matter is listed today under the caption "for clarification".

2. The learned counsel appearing for the petitioner submits that the subject issue is covered by the decision of this Court in W.P.No.6776 of 2018 etc., however, erroneously the Writ Petition was disposed of on 17.10.2024 by directing the third respondent to dispose of the representation of the petitioner dated 20.05.2024, and therefore, prays for necessary modification in the said order.

3. This Court perused the file and also the order passed and heard the learned counsel appearing for the respondents, who has no objection to pass appropriate orders. Accordingly, paragraph Nos.3 to 6 shall stand replaced with the following paragraphs:-



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"3. When the matter is taken up for hearing, the learned counsel for the petitioner submits that the issue in this writ petition has already been decided by this Court in W.P.Nos.6776 of 2018, etc., batch of cases and that the same order may be passed in the present writ petition as well.

4. Heard the learned counsel on either side and perused the material documents available on record.

*5. In view of the fair stand taken by the learned counsel for the petitioner, in an identical circumstances, the learned Single Judge of this Court in W.P.Nos.6776 of 2018, etc., batch of cases, by order dated 28.10.2021, in the case of **M/s.Rajaguru Spinning Mills P. Ltd., Vs. The Tamil Nadu Electricity Regulatory Commission & 3 Ors.**, has held as under*

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“11. In view of the above, all these **Writ Petitions are Disposed of** with the following directions:-

(a) In all those cases where the TANGEDCO has acted upon the interim orders passed by this Court and the entire outstanding amounts due to be payable has been adjusted, those writ petitions will be rendered infructuous since the grievance of those petitioners stands redressed;

(b) In those cases where the TANGEDCO is in the process of adjusting the outstanding amount due, such adjustment shall be continued till the entire outstanding amount is adjusted towards the current consumption charges / open access charges payable by the respective petitioners and

(c) The TANGEDCO shall not take any coercive steps to disconnect the electricity connection to the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/ open access charges payable by the petitioners.”

6. Following the ratio laid down in the said decision,



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this Court has also disposed of the Writ Petitions in W.P.Nos.27559 and 27564 of 2021 by an order dated 22.12.2021. Hence, in the aforesaid terms, this Writ Petition is also disposed of. No Costs. Consequently, the connected miscellaneous petition is closed."

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Note: Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties.



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