



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33240 of 2023

and

W.M.P.Nos.32958 & 32959 of 2023

CRI Pumps P Ltd.,
Unit – Meltech Castings,
HTSC No.49,
8/116-C, Athipalayam,
Chinnavedampatty, Ganapathu Post,
Coimbatore – 641 006.
Repd. By its Company Secretary
A.Amudhalakshmi

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai – 600 002.
Represented by its Chairman cum
Managing Director.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore Electricity Distribution Circle / Metro,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Mandamus, calling for the records of the 2nd respondent's impugned notice bearing Lr.No.SE/CEDC/M/CBE/DFC/M/Ao/AAOHT/F CRI/D.No.280/22 dated 07.09.2022 quash the same as illegal, arbitrary and contrary to the order passed by Consumer Grievance Redressal Forum/CEDC/Metro in CGRF Petition No.05 dated 17.12.2015 and consequently direct the Respondents to refund of Rs.1,45,05,438/- along with interest at 12% per annum from 14.04.2021 to the date of actual payment.

For Petitioner : Mr.S.P.Parthasarthy

For Respondents : Mrs.Keerthana R.Shenoi
For Mr.L.Jai Venkatesh
Standing Counsel

ORDER

The notice dated 07.09.2022 issued by the Superintending Engineer, Coimbatore is sought to be quashed in the present writ petition.

2. The petitioner claims refund of Rs.1,45,05,438/- along with the interest at 12% per annum from 14.04.2021.

3. The respondents would submit on the claim of Rs.1,45,05,438/- and a sum of Rs.99,39,267/- have already been paid to the petitioner on



10.11.2023. There is an audit objection to the tune of Rs.1,57,199/- that has been adjusted against the current consumption charges bill for December 2022. The sum of Rs.29,30,838/- which is the subject issue, pertaining to excess adjustment of IEX power is alleged to be due for payment.

4. The learned counsel for the petitioner would submit that the issues were already been adjudicated before the Consumer Grievance Redressal Forum constituted under Clause 18 of the Electricity Supply Code and the decision of the Forum went against the Board. Thus, they are bound to refund the amount.

5. The learned counsel for the petitioner would submit that it is a disputed amount, which is recoverable from the petitioner and the Board is willing to prefer an Appeal against the order passed by the Consumer Grievance Redressal Forum. There is a delay in preferring an appeal. However, the Forum is empowered to condone the delay if it is justifiable.

6. Counter affidavit reveals that refund of Rs.99,39,267/- was made on 10.11.2023. That being the factum, the respondent / Board is at liberty to prefer an appeal in the manner contemplated. In the event of preferring an



appeal by the Board, the Appellate Forum shall dispose of the same as expeditiously as possible.

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7. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

02.04.2024

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Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai – 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore Electricity Distribution Circle / Metro,
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S.M.SUBRAMANIAM, J.

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