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W.P.No.36154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36154 of 2024

M/S.M.K.Tron Auto Parts Pvt Ltd,
(Formerly Known as M/s.Castwel Auto Parts Pvt Ltd)
Represented by its company secretary,
Nambiraja Sudalai,
No: 82-A, 82-B, SIDCO Industrial Estate,
Thirumidivakkam, Chennai - 600044

... Petitioner

vs.

The Superintending Engineer
CEDC/South I,
K.K.Nagar,
110 KVSS Complex,
Chennai-600078.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent with respect to the impugned letter Lr.No.SE/CEDC/SI/DFC/AAO/AS/HT/F.HT872/D.No.551/24 dated 11.11.2024 and quash the same and consequently direct the respondent to issue No Objection Certificate to their company (HTSC No.099094000872) for purchasing IEX power through a private agency namely Manikaran Power Ltd.

For Petitioner : Mr.S.Sai Shankar
For Respondent : Mr.L.Jaivenkatesh
Standing Counsel (TNEB)



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ORDER

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The Writ Petition is filed challenging the order passed by the respondent rejecting the application of the petitioner seeking No Objection Certificate to avail IEX Power through a private source for a quantum of 1.8 MW for the period from 01.11.2024 to 30.11.2024.

2. Since a sum of Rs.86,52,242/- is due from the petitioner towards Belated Payment Surcharge, the respondent rejected the application submitted by the petitioner. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner submits that the petitioner paid all amount due to the respondent towards current consumption charges and the amount mentioned by the respondent in the impugned order is only Belated Payment Surcharge. Therefore, it cannot be treated as the amount due from the petitioner towards the current consumption charges.

4. The learned Standing Counsel (TNEB) appearing for the respondent produced the order passed by the Tamil Nadu Electricity



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Ombudsman, wherein the petitioner was directed to pay Rs.86,52,242/- to the respondent towards Belated Payment Surcharge. The learned Standing Counsel (TNEB) for the respondent by relying on Clause 9(4) and (5) of the Tamil Nadu Electricity Regulatory Commission Grid Connectivity and Intra-State Open Access Regulations, 2014, submitted that in case of outstanding due, the applicant is not entitled to open access.

5. The learned counsel appearing for the petitioner submits that challenging the order passed by the Tamil Nadu Electricity Ombudsman directing the petitioner to pay a sum of Rs.86,52,242/-, the petitioner has filed the writ petition in W.P.No.11683 of 2024 and the same is pending. Therefore, the respondent is not justified in rejecting the request of the petitioner.

6. From the facts narrated above, it is clear the actual current consumption charges has been paid by the petitioner. Now, the Belated Payment Surcharge amount is due from the petitioner. Even that is also a subject matter of dispute in W.P.No.11683 of 2024 pending before this Court.



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7. In such circumstances, this Court feels it would be appropriate to direct the petitioner to pay 25% of the outstanding Belated Payment Surcharge to enable the petitioner to get open access. Therefore, the petitioner is directed to pay a sum of Rs.21,630,61/- before the respondent within a period of four weeks from the date of receipt of copy of this order, without prejudice to his case.

8. In view of the fact the period for which the open access was applied by the petitioner is already over, the petitioner is directed to submit a fresh application along with payment receipt as directed above. If any such application is submitted by the petitioner, the respondent shall consider the same and grant No Objection Certificate in accordance with law. It is made clear, the No Objection Certificate granted by respondent for open access is subject to result of writ petition in W.P.No.11683 of 2024.

9. List the matter along with W.P.No.11683 of 2024.

06.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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The Superintending Engineer
CEDC/South I,
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S.SOUNTHAR, J.

When the writ petition came up for hearing on 06.12.2024, after hearing the arguments of the learned counsel appearing for the petitioner and respondent, the same was disposed of by issuing certain directions.

2. However, in the last paragraph of the order, there is a direction to list the writ petition along with W.P.No.11683 of 2024, since the writ petition was already disposed of. The paragraph (9) in the order dated 06.12.2024 shall be deleted.

13.12.2024

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