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W.P.No.36836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36836 of 2024
and W.M.P.No.39770 of 2024

Balu Exports
60 A5, Palladam Road,
Arulpuram Post,
Tirupur-641 605
Rep. By its Authorized Signatory
K.Subramanian ... Petitioner

vs.

1. Tamil Nadu Electricity Regulatory
Commission rep. By its Secretary
19.-A, Rukmini Lakshmipathy Salai
(Marshall's road)
Egmore, Chennai-600 008.
2. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai, Chennai-600 002.
3. Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai, Chennai-600 002.
4. The Superintending Engineer
TANGEDCO,
Tiruppur Electricity Distribution Circle
Tiruppur.



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5.The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

6.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents and their men agents from collecting current consumption charges, demand charges and any arrears from the petitioners HTSC Nos. 039094380080 and 039094380226 until the Respondents makes payment of the outstanding dues of Rs.1,23,01,046 /- (for the year of 2014 - 2024) payable to the Petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents 1 to 5 : Mr.L.Jai Vemkatesh
Standing Counsel for TNEB

ORDER

The petitioner herein seeks issue of Writ of Mandamus, forbearing the respondents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents make payment of outstanding dues of Rs.1,23,01,046 /- payable to the petitioner or give



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adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. It is the case of the petitioner that it involves in the manufacture of yarn having High Tension Electricity Supply and the petitioner had erected Wind Energy Generators, which generates power and the petitioner utilised the portion of the electric energy generated by it and surplus was supplied to the respondents.

3. As per the details furnished by the 4th respondent, the petitioner supplied energy to the respondents for value of Rs.1,23,01,046 /- upto March-2024. The petitioner raised invoice for encashment of the above said amount based on the applicable tariff and the same has not been honoured by the respondents. Therefore, the petitioner has come before this Court with a prayer seeking adjustment of the amount due to the petitioner from TANGEDCO/respondents 2 to 6. The petitioner submitted a representation enclosing statement downloaded from the website of the TANGEDCO. Therefore, there is no dispute with regard to the quantum payable by TANGEDCO to the petitioner towards electricity supplied by it.



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4. Heard the argument of learned counsel appearing for the petitioner and Mr.L.Jaivenkatesh, learned Standing Counsel (TNEB), who is taking notice for the respondents.

5. This Court in similar cases in W.P.No.31140 of 2024, dated 19.10.2024 batch cases, passed the following orders:-

“3. The learned Single Judge of this Court, vide order dated 28.10.2021 made in W.P.Nos.6776 of 2020 etc., batch in the case of M/s.Rajaguru Spinning Mills P. Ltd., Vs. The Tamil Nadu Electricity Regulatory Commission, in identical circumstances which was also relied upon by the learned counsel for the petitioner held as under:-

“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 and 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.”

4. In view of the above fact that the earlier Writ petitions involving similar issue being disposed of by this Court in the aforesaid terms, the present Writ Petitions also stand disposed of in terms of the above said order of this Court dated 28.10.2021 made in W.P.Nos.6776 of 2020 etc., batch. No costs. Consequently, connected M.Ps are closed.”

6. Therefore, this Court is also inclined to pass similar order by directing the respondents 2 to 6 to adjust the amount of Rs.1,23,01,046 /- payable by the respondents to the petitioner towards the electricity supplied



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to them by the petitioner, with the current consumption charges, demand charges payable by the petitioner, till the entire amount is adjusted or exhausted. The respondents shall not take any coercive steps against the petitioner for disconnection of power supply till entire outstanding amount payable to the petitioner by respondents gets adjusted towards current consumption charges, demand charges etc., payable by the petitioner.

7. With this direction, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

04.12.2024
(2/2)

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

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S.SOUNTHAR, J.

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