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W.P.(MD)NO.1372 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1372 of 2020 AND

W.M.P.(MD)Nos.1109, 1110 & 1111 of 2020

Sun Paper Mill Limited,

Rep. by its authorised signatory,

HT SC No.23, Post Box No.2, Cheranmahadevi,

Tirunelveli District – 627 414.

... Petitioner

Vs.

1. The Tamil Nadu Generation and

Distribution Corporation Ltd., (TANGEDCO),

Rep. by its Chairman & Managing Director,

No.144, Anna Salai, Chennai – 600 002.

2. The Superintending Engineer,

Tirunelveli Electricity Distribution Circle,

TANGEDCO, Tirunelveli.

3. The Assistant Executive Engineer,

TANTRANSCO, 110/33-11 KV Substation,

Melakallur, Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records comprised in the demand notice in



Lr.No.SE/TEDC/TIN/AO/REV/AAO/HT/AS/F.HT.SC.23/D.190/17

dated 15.3.2017 issued by the 2nd respondent and the consequential demand notice in Lr.No.AEE/SS/MLKR/F.HTSC/D.NO..57/2019 dated 1.4.2019 issued by the 3rd respondent and quash the same as arbitrary, illegal and contrary to principles of natural justice and consequently direct the respondents to consider the petitioner's representation dated 21.12.2018 seeking reconnection without insisting on payment of parallel operation charges.

For Petitioner : Mr.Raguvaran Gopalan,
for Mr.Rahul Balaji.

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

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ORDER

When the matter was taken up for hearing, learned counsel on either side submitted that a similar issue was the subject matter of challenge in a batch of writ petitions in W.P.No.12411 of 2019 etc., dated 21.09.2021 and further submitted that the same order can be passed in this writ petition as well.

2. This Court in W.P.No.12411 of 2019 etc., batch by its order dated 21.09.2021, passed the following order:



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“When the batch was taken up for hearing, it was represented on the side of the petitioners that the larger issue is now pending by way of an Appeal before the Appellate Tribunal for Electricity (APTEL), New Delhi. It was further submitted that no further useful purpose will be served in remanding the matter back to the file of the State Regulatory Commission, since the Commission has already taken in the Appeal and raise the grounds that have been raised by them in these writ petitions.

2. The learned Standing counsel appearing on behalf of the TANGEDCO circulated the list of cases that are pending on the file of APTEL and stated that he leaves it to this Court to take a decision with regard to the transfer of the cases to APTEL.

3. The learned Senior counsel appearing on behalf of the petitioner in W.P.No. 12411 of 2019, circulated the interim orders passed by APTEL on 06.08.2019. It is seen from the interim order that the APTEL has taken a



note of the interim orders that were passed by this Court in the writ petitions and had granted the interim order, pending the appeal. In view of the same, it will be more appropriate if all these writ petitions are transferred to the file of the APTEL.

4. Accordingly all these writ petitions shall stand transferred to the file of the APTEL to be heard along with Appeal Nos. 162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325, 328, 395, 434, 2410, 214 & 215 of 2019 & 82 of 2020. It is left open to the petitioners to raise all the grounds that have been raised in the writ petitions before APTEL. Till the appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue.

5. All these writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.”



3. Thus, following the above order, this Writ Petition is disposed of and the writ petition stands transferred to the file of the Appellate Tribunal for Electricity (APTEL), New Delhi, to be heard along with Appeal Nos.162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325, 328, 395, 434, 2410, 214 & 215 of 2019 & 82 of 2020. It is left open to the petitioner to raise all the grounds that have been raised in this writ petition before the APTEL. Till the appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue. No costs. Consequently, connected miscellaneous petitions are closed.

19.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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