



W.P(MD)No.18401 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.18401 of 2021

and

W.M.P.(MD)Nos.15192 and 15194 of 2021

Geetha Krishna Spinning Mills (P) Limited,
Rep.by its Director V.S.Ram Mohan Raja,
116/2A, Melapattinam Karisalkulam,
Madurai Road, Rajapalayam,
Virudhunagar District 626 117.

... Petitioner

Vs.

1.The Tamil Nadu Electricity Regulatory
Commission, rep. by its Secretary,
No.19-A, Rukmani Lakshmpathy Salai,
Egmore, Chennai 600 008.

2.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, No.144, Anna Salai,
Chennai 600 002.

3.The Chief Financial Controller/Revenue,
TANGEDCO, No.144, Anna Salai,
Chennai 600 002.

4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned Letter No.SE/VREDCVDR/AO/REV/AAO/HT/AS/DNO.727/2021 issued by the fourth respondent and quash the same as illegal, arbitrary and against the order of this Court in W.A.No.1241 of 2019, dated 17.07.2019.

For Petitioner : Mr.P.Arun Jayatram
For Respondents : Mr.S.Deenadayalan,
Government Advocate

ORDER

This Writ Petition has been filed seeking orders to issue a Writ of Certiorari, to call for the records of the impugned Letter No.SE/VREDCVDR/AO/REV/AAO/HT/AS/DNO.727/2021 issued by the fourth respondent and quash the same as illegal, arbitrary and against the order of this Court in W.A.No.1241 of 2019, dated 17.07.2019.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that in similar matters, in W.A.Nos.2141 of 2019 and batch, a Division Bench of this Court



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taking note of the pendency of the appeal, directed the appellate authority to dispose of the appeal within a period of three months, after giving opportunity to both parties concerned and also by observing that during the pendency of the appeal, the TANGEDCO will not insist upon the Respondents-Industrial Units for any recovery of the dues on account of the alleged clarification issued by the TNERC on 13.03.2018, nor the Respondents-Industrial Units shall be entitled to any refund or adjustment in this regard of the amounts already paid by them in pursuance of the order, dated 13.03.2018 and that all these *inter se* Billing and Recovery or Refund will abide by the final orders, to be passed by APTEL within six months, as indicated above. In a similar matter, a learned Single Judge of this Court in W.P(MD)No.8516 of 2021, has passed order, dated 24.08.2023 following the decision of the Division Bench.

3. Considering the above and taking note of the submissions made by the learned counsel on either side, this Court is of the view that the rights of both the parties are to be considered only after the disposal of APTEL in Appeal No.356 of 2017 and the respondents are restrained from collecting the amount till that time.



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4. With the above observation, the Writ Petition is disposed of.

Consequently, connected Miscellaneous Petitions are closed. No costs.

22.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das

To

- 1.The Tamil Nadu Electricity Regulatory Commission, rep. by its Secretary,
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Egmore, Chennai 600 008.
- 2.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited, No.144, Anna Salai,
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- 4.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
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W.P(MD)No.18401 of 2021

K.MURALI SHANKAR, J.

das

Order made in
W.P(MD)No.18401 of 2021
and
W.M.P.(MD)Nos.15192 and 15194 of 2021

Dated : 22.03.2024