



W.P.(MD) No.16797 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.16797 of 2015

and

M.P.(MD) No.1 of 2015

Muthu Cotton Mills,
Rep., by its Partner,
M.Kannan,
S/o.Muthiah,
Keelaurapanur Village,
Thirumangalam Taluk,
Madurai District.

.. Petitioner

Vs.

1.The Tamilnadu Generation and
Distribution Corporation Limited,
Rep., by its Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai-625 007.

2.The Assistant Engineer (West),
The Tamilnadu Generation and
Distribution Corporation Limited,
Thirumangalam, Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for



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records relating to the impugned order dated 29.08.2015 passed in க.எண்.உமிபொ/பமே/திமெ/con கனி/அ.எண்.2015 by the second respondent and quash the same and consequently direct the second respondent to accept the payment of minimum electricity consumption charges for the month of August, 2015 for the service connection S.C.No.848, Thirumangalam West, in the petitioner's cotton mill.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

It is the case of the petitioner that the petitioner's mill functioning in the petitioner's premise was closed on 20.06.2015, as the lessee of the petitioner had stopped production. Even though the mill was not functioning, the second respondent raised a bill for average electricity consumption charges. He would submit that since the mill in the petitioner's premise is not functioning, the petitioner would only be liable to pay the minimum charges and not the average consumption charges.



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2. This aspect has been completely overlooked by the second respondent and there is no discussion even as to the representations that have been made by the petitioner in that aspect. Hence, the impugned order is set aside and the matter is remitted back to the second respondent to consider the case of the petitioner in the proper perspective and thereafter, to pass orders in the manner known to law after providing opportunity to the petitioner.

3. With the aforesaid direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.11.2024

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

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K.KUMARESH BABU, J.

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To

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K.Pudur, Madurai-625 007.
- 2.The Assistant Engineer (West),
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