



W.P.(MD) No.18709 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.18709 of 2015
and
M.P.(MD) Nos.1 and 2 of 2015**

Sri Parameswari Spinning Mills P Ltd.,
HTSC No.249,
Great Cotton Road,
Pandalgudi 626 113
Aruppukottai,
Virudhunagar District
Authorized Signatory G.Gopala Krishnan

... Petitioner

/vs./

1.The Tamil Nadu Electricity Regulatory,
Commission repd. 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.



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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned Notice bearing Lr.No.SE/VREDC/VDR/AO/REV/AS/A.S 2/F.BOAB/D.NO.631 2015, dated 08.07.2015 issued by the 3rd Respondent and quash the same as illegal, arbitrary, without the authority of law and against the order passed by the 1st Respondent in M.P.No.6, 9 and 17 of 2010 and D.R.P.No. 17 of 2010 dated 07.09.2010 and consequently direct the 4th respondent to give refund/adjustment of the amount, consequently direct the 3rd Respondent to refund a sum of Rs.11,62,782/- already collected from the Petitioner.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The writ petition had been filed challenging the impugned notice, which had been issued based on the audit objections on the strength of the orders passed by the first respondent on 07.09.2010.



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2. The said order dated 07.09.2010 passed by the first respondent had been the subject matter of challenge before the Hon'ble Apex Court and thereafter by order dated 20.07.2023 in M.P.No.2 of 2019, the first respondent had passed a detailed order clarifying the earlier order. The said order has also been modified pursuant to the order made in R.P.No.1 of 2023 by order dated 08.08.2024. Pursuant to the said orders, the Chief Financial Controller/Revenue of the TANGEDCO had issued clarification orders to the third respondent herein.

3. In the light of the said subsequent events, the order impugned herein shall stand set aside with a direction to the third respondent to recalculate the amount payable by the petitioner after hearing an opportunity of personal hearing to the petitioner and based on the orders of the first respondent dated 20.07.2023 and 08.08.2024 and the circular issued by the Chief Financial Controller/Revenue of the TANGEDCO dated 29.07.2024. Such exercise shall be carried out within a period of 12 weeks from the date of receipt of a copy of this order. In the event that the petitioner is entitled for refund, the same shall be adjusted in his future dues.



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4. With the aforesaid directions, the Writ Petition stands disposed of.

However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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