



W.P.(MD) No.9332 of 2016

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.9332 of 2016
and
W.M.P.(MD) Nos.7393 and 7394 of 2016**

Kaleeswara Mills B Unit
HTSC No.15,
(Unit of National Textile Corporation,
Government of India Undertaking),
P.O. Bag No.1, Kalayarkoil 630 551
Sivagangai District,
rep by its General Manager,
G.Chandra Mouli

... Petitioner

/vs./

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

2.Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.



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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 3rd Respondent's impugned Notice bearing Lr.No.SE/SEDC/SVGA/DFC/HT/AS/F.Audit Slip/D. 45/2015 dated 25.01.2016 insofar as audit slip No.14 alone and the consequential impugned CC bills dated 30.04.2016 issued by the third respondent insofar as it relates to the alleged audit refund amount of Rs.27,48,180/- alone in Serial No.21 (other adjustments) and quash the same as illegal, arbitrary and against the 2nd Respondent's own Circular Memo dated 03.02.2016.

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.

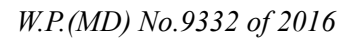


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2. The said order dated 07.09.2010 passed by the first respondent had been the subject matter of challenge before the Hon'ble Apex Court and thereafter by order dated 20.07.2023 in M.P.No.2 of 2019, the first respondent had passed a detailed order 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.



Index : Yes / No
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