



W.P.(MD)No.16394 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.16394 of 2017

and

W.M.P.(MD)No.13060 & 13061 of 2017

V.V.Green Power Pvt. Ltd.,
Rep. by its Managing Director,
Mr.V.Senthil Murugan.

... Petitioner

Vs.

1. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Maharaja Nagar, Tirunelveli - 627 011.
2. The Chief Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Maharaja Nagar, Tirunelveli - 627 011.
3. The Executive Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Maharaja Nagar, Tirunelveli - 627 011.
4. The Assistant Engineer,
Wind Farm Project, Tneb,
Tirunelveli - 627 011.
5. Meter Relay Team (Mrt),
Wind Farm Project, Tneb,
Tirunelveli - 627 011.



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6. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Tirupur.
7. The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Erode.
8. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Tenkasi.
9. The Chief Engineer,
Nces, 2nd Floor, Eastern Wing, 144,
Anna Salai,
Chennai - 600 002.
10. M/s.Dholu Constructions & Project Ltd,
401, Gala Arogs,
B/h.Harikrupa Tower (Kalgi Cross)
Gujarat College Road, Ellis Bridge,
Ahmedabad, Gujrat 380 006.
11. Southern Green Power Service,
No.6, Iswaryanagar, Nall Road,
Gudimangalam,
Udumalpet - 642 126.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records connected with letter No.SE/TEDC/TIN/DFC/AO/Rev/AS/Wind/F.A.G.audit/D.No.1712/17, dated 19.07.2017 issued by the 1st respondent, quash the same as illegal.



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For Petitioner : Mr.B.Anandan
For Respondents : Mr.S.Deenadhayalan (R1 to R9)
Standing Counsel
No appearance (R10 & R11)

ORDER

This writ petition has been filed challenging the letter issued by the first respondent in No.SE/TEDC/TIN/DFC/AO/Rev/AS/Wind/F.A.G.audit/D.No. 1712/17, dated 19.07.2017.

2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. The demand had been made seeking refund of the excess payment made by the first respondent. Earlier, a demand had been made quantifying a sum of Rs.12,00,000/- to be the excess payment made, which had also been refunded by the petitioner. However, pursuant to an audit objection raised, the present impugned demand had been made. Before issuing the said demand, the petitioner was not put on notice with regard to the claim made by the first respondent.



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4. In such view of the matter, the impugned demand notice dated 19.07.2017 is set aside with liberty to the first respondent to call upon the petitioner and the respondents 10 and 11 by issuance of show cause notice including the copy of the audit report to enable the petitioner to answer to the said show cause notice and thereafter, pass appropriate orders on merits and in accordance with law.

5. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd (Tangedco),
Maharaja Nagar, Tirunelveli - 627 011.



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K.KUMARESH BABU, J.

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Order made in
W.P.(MD)No.16394 of 2017

Dated
12.12.2024