



W.P.Nos.11403 and 11406 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

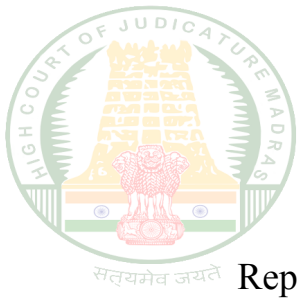
W.P.Nos.11403 and 11406 of 2025
and W.M.P.Nos.12866 and 12873 of 2025

Sudan Spinning Mills (P) Ltd.,
HTSC No.059094500102,
Regd Office:-207, Mangalam Road,
Karuvampalayam, Tirupur - 641 604,
repd. by its Authorised Signature,
M.Velumani .. Petitioner in W.P.No.11403 of 2025

Sri Shanmugavel Mills (P) Ltd.,
(Knitting Division),
HTSC No.059094500274,
(Formerly known as Adisankara Spinning
Mills (P) Ltd., knitting Division),
Regd. Office:- 207, Mangalam Road,
Karuvampalayam, Tirupur - 641 604,
repd. by its Authorised Signature,
M.Velumani .. Petitioner in W.P.No.11406 of 2025

Versus

1. Tamil Nadu Power Distribution
Corporation Ltd., (TNPDC),



W.P.Nos.11403 and 11406 of 2025

Rep. by its Chairman,
144, Anna Salai, Chennai - 600 002.

2. The Chief Engineer/NCES,
Tamil Nadu Green Energy Corporation Ltd.,
(TNGECL),
2nd Floor, 144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Power Distribution
Corporation Ltd., (TNPDC),
Dindigul.
4. Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Building,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 600 032.
Represented by its Secretary

.. Respondents

Prayer in W.P.No.11403 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd and 3rd respondents to give the adjustment of the excessively collected banking charge of Rs.59,84,937/- (Period from 01.08.2012 to 31.03.2016) based on the working instructions issued by the 1st respondent dated 03.10.2017 in the matter of implementation of the order of the State Commission (TNERC) issued in RA.No.6 of 2013 dated 31.03.2016.



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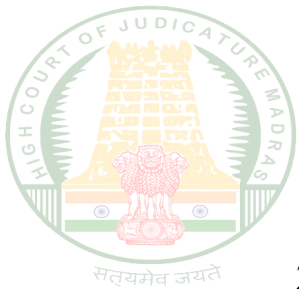
Prayer in W.P.No.11406 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd and 3rd respondents to give the adjustment of the excessively collected banking charge of Rs.10,19,962/- (Period from 01.08.2012 to 31.03.2016) based on the working instructions issued by the 1st respondent dated 03.10.2017 in the matter of implementation of the order of the State Commission (TNERC) issued in RA.No.6 of 2013 dated 31.03.2016.

For Petitioner : Mr.S.P.Parthasarthy

For Respondents : Mr.D.R.Arunkumar

COMMON ORDER

The prayers in the Writ Petitions is to direct the respondent Nos.2 and 3 to give the adjustment of the excessively collected banking charge of Rs.59,84,937/- and Rs.10,19,962/- (for the period from 01.08.2012 to 31.03.2016) respectively based on the working instructions issued by the first respondent, dated 03.10.2017.

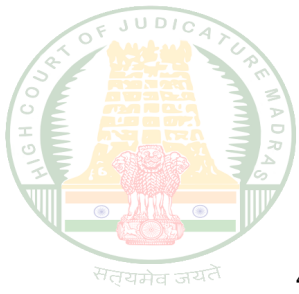


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2. Upon hearing the learned Counsel on either side and perusing the affidavits filed in support of the Writ Petitions and the material records of the case, the grievance of the petitioners is that earlier, the respondent organisation charged banking charges at the rate of 94 ps per unit. The same was challenged and by the order of the APTEL, the same was set aside and it was directed that it can only be in kind and it was ordered that the excess amount collected to be refunded. Accordingly, the petitioners made representations for refunding the same. Even though workings were done, the final orders are not yet passed refunding the amounts. According to the learned Counsel for the petitioners, an implementation circular is also issued on 03.10.2017.

3. The learned Counsel for the respondents would submit that they have to verify as to how much amount is due and whether it is already adjusted or not and that only after verifying, the final orders can be passed.



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4. In view of the submissions made by the learned Counsel for the respondents, this Writ Petition is disposed of on the following terms:-

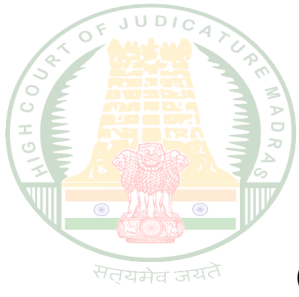
(i) The second respondent shall take up the request of the petitioners for consideration;

(ii) A notice can also be issued to the petitioners;

(iii) The second respondent shall decide the request in accordance with law by taking into consideration all the earlier orders and the amounts that are claimed by the petitioners etc., and pass orders thereon in accordance with law;

(iv) If any amount is found to be due, then, the same shall be refunded. If only part amount is accepted, then, the same shall be refunded and the reasons for not granting the balance amount shall be communicated to the petitioners;

(v) The said exercise shall be carried out within a period of eight weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order;



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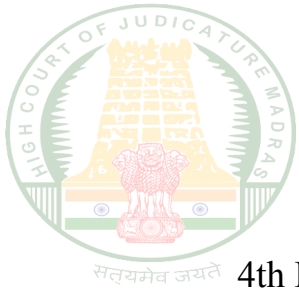
(vi) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

Neutral Citation : no
grs

To

1. The Chairman,
Tamil Nadu Power Distribution
Corporation Ltd., (TNPDC),
144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer/NCES,
Tamil Nadu Green Energy Corporation Ltd.,
(TNGECL),
2nd Floor, 144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Power Distribution
Corporation Ltd., (TNPDC),
Dindigul.
4. The Secretary,
Tamil Nadu Electricity Regulatory Commission,



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D.BHARATHA CHAKRAVARTHY, J.

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