



W.P.No.14173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14173 of 2025

and

WMP.Nos.15920, 15921 & 15924 of 2025

Carborundum Universal Limited
'Dare House' No.234,
N.S.C.Bose Road,
Parrys, Chennai 600 001.

... Petitioner

Vs.

1.Tamil Nadu Power Distribution
Corporation Limited (TNPDCCL)
Rep.by its Chairman
NPKRR Maaligai
144, Anna Salai
Chennai 600 002.

2.Superintending Engineer
Krishnagiri EDC
TNPDCCL/110 KV SS Campus
Rayakotta Road
Krishnagiri.



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3.Chief Engineer/P & C/Chennai
NPKRR Maaligai
144, Anna Salai
Chennai 600 002.

4.Asst Executive Engineer / O & M/
Sipcot, Hosur, 33/11 KV Sub-Section
Punnai 635 126.

5.Easun Reyrolle Relays and Devices Limited
Represented by its Liquidator
CA Mahalingam Suresh Kumar
SPP insolvency Professionals LLP (IPE)
2nd Floor, CODISSIA G.D. Naidu Towers
Huzur Road, Coimbatore,
Tamil Nadu 641 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent comprised in its impugned demand dated 19.12.2024 bearing reference Lr.No.SE/KEDC/DFC/AO/AAO-HT/AS/F.HTSC.No.27/D.No.433 of 2024 and the impugned HT Bills of the petitioner for HTSC.No.27 the months of November 2024 and March 2025, insofar as the levy of “Adjustment Charges” is concerned and quash the same as being arbitrary, illegal and contrary to law, and consequently forbear the respondents from



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levying or recovering such “Adjustment Charges” from the petitioner in relation to the contract between the respondent TNPDCCL and the fifth respondent.

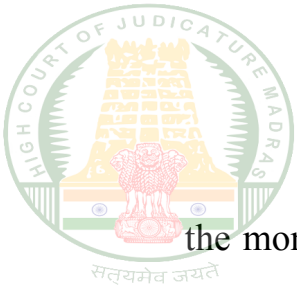
For Petitioner : Mr.Sidharth Sivakumar
for Mr.Rahul Balaji

For Respondents : Mr.S.Madhusudhanan for R1 to R4
(TANGEDCO)

ORDER

This Writ Petition is filed challenging the demand dated 19.12.2024 and the impugned high tension bills of the petitioner for HTSC.No.27/D.No.433/2024 for the months of November 2024 and March 2025 insofar as the levy of the adjustment charges is concerned and to quash the same and consequently forbear the respondents from levying or recovering such adjustment charges from the petitioner.

2. Mr.Sidharth Sivakumar, the learned counsel for the petitioner would submit that it can be seen that in the monthly bill that is demanded for



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the month of March 2025 a sum of Rs.46,13,617/- is included as adjustment charges. The petitioner has got nothing to do with the said amount. The said amount is supposed to be due from a third party entity which is under liquidation. The petitioner has not undertaken or merged with the said entity. There is no justification whatsoever on the part of the respondent in claiming the said arrears to the petitioner. The further submission that is made by the learned counsel for the petitioner is that even the said amount that is claimed from the third party entity is not with reference to any consumption bill but a contractual amount that is due from the third party. Therefore the learned counsel for the petitioner would submit that it can never be demanded from the petitioner.

3. When the matter came up for admission, Mr.S.Madhusudhanan, learned counsel taking notice on behalf of the respondents would submit that it can be seen that it is their case that the petitioner has purchased that company and being the successor is liable to pay the said sum. The learned counsel would take this Court through the show cause notice dated 19.12.2024 issued in respect thereof.



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4. After the considering the submissions that are made by both sides learned counsel, it can be seen that a show cause notice was issued on 19.12.2024 for which the petitioner has given a detailed explanation on 23.12.2024. Therefore when the respondent organization issued a show cause notice and the petitioner has issued a reply contending that the amount cannot be demanded from them, without considering the said objections and passing any final orders, suddenly in the present monthly bill, the same cannot be included.

5. In view thereof, this Writ Petition is allowed on the following terms;

(i) It would be open for the respondent authorities to pass final orders with reference to the show cause notice that was issued on 19.12.2024. Needless to mention that the representative of the petitioner be heard and the explanation submitted by the petitioner shall also be considered and reasoned order be passed on the merits.



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(ii) Until such time the orders are passed, the respondents cannot include the adjustment charges in the monthly bill. It will be open for the petitioner to pay the rest of the charges alone by deducting the said adjustment charges of Rs.46,13, 671/-. As and when the said payment is made, the same shall be accepted by the respondents by following the due procedure. Needless to mention that the liability of the petitioner will be dependant upon the final orders that will be passed by the respondent authorities.

(iii) No costs. Consequently, connected Miscellaneous Petitions are closed.

22.04.2025

Neutral Citation : No
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