



W.P.No.14205 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14205 of 2025
and W.M.P.Nos.15967, 15969, 15970 & 15971 of 2025

Kals Breweries Private Ltd
Having Its Registered Office
At 23/5 Thanikachalam Road,
T.Nagar, Chennai-600 017
Having Its Factory At S.No.345,
Kunnathur Village,
Viralimalai Taluk, Pudukottai-621 316.

.. **Petitioner**

Vs.

1.Tamilnadu Green Energy Corporation Ltd
Tngecl, 144, Anna Salai, Chennai-600 002

2. Tamilnadu Power Distribution Corporation Ltd
TNPDC, 144, Anna Salai, Chennai-600 002

3. The Chief Financial Controller/Revenue (FAC)
NPKRR Maligai, 144, Anna Salai, Chennai-600 002

4. The Superintending Engineer
Pudukottai EDC
3074 East Main Road, Pudukottai 622 001.

.. **Respondents**



W.P.No.14205 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in its impugned instructions dated 03.04.2025 bearing reference Ref.No.CFC/RBC/FC/REV/AO/REV/D.239/2025 and the cc bill issued for the petitioner's HTSC No.069094460143 for the months of November, December 2024, January, February, March 2025 in so far as the levy of network charges is concerned and quash the same as being arbitrary, unreasonable and violative of provisions of the Electricity Act 2003 and consequently direct refund of network charges already collected with interest, and forbear the respondents from levying network charges, in compliance with the judgement dated 22.12.2024 of this Hon'ble Court in W.P.Nos.22000 of 2022 and batch and pass such further or other orders.

For the Petitioner : Mr.Rahul Balaji

For the Respondents : Mr.D.R.Aruk Kumar

ORDER

The prayer in this Writ Petition is to call for the records relating to the impugned instructions dated 03.04.2025 and the CC bill issued for the petitioner's HTSC No.069094460143 for the months of November, December 2024, January, February, March 2025, in so far as the levy of network charges is concerned and to quash the same and consequently to direct the refund of the



W.P.No.14205 of 2025

WEB COPY

networking charges already collected with interest and forbearing the respondents from levying the network charges.

2. When the matter came up for admission, *Mr.Rahul Balaji*, the learned counsel appearing on behalf of the petitioner would submit that the matter is *no longer res integra* and is covered by the Judgment of this Court dated 22.12.2024 in W.P.Nos.22000 of 2022 etc.,. The said Judgment governs the prayer that is made by the petitioner except for the portion relating to refund of the amount with interest. He would submit that this Writ Petition can also be allowed on the same terms, giving liberty to the petitioner to make a representation in respect of refund with interest.

3. *Per contra*, *Mr.Arun Kumar*, the learned counsel appearing on behalf of the respondents would submit that the claim of the petitioner is untenable. Even with regard to the batch order that is referred to by the learned counsel for the petitioner, the respondents are preferring an appeal before the Division Bench of this Court.



W.P.No.14205 of 2025

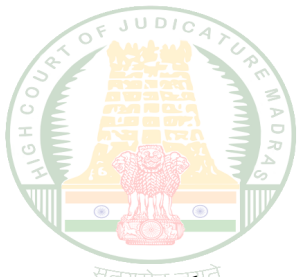
WEB COPY

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. Even as on today, the learned counsel appearing on behalf of the respondents is not in a position to distinguish the petitioner's case from the batch of matters, in which already this Court has decided. The very same issue was considered in a batch of cases and this Court after considering the entire issue has held that the charges has been subsumed in fixation of tariff and there is no justification in levying additional charges. The said finding that is contained in paragraph No.40 is extracted hereunder and ultimately in paragraph No.54, the impugned demands were set aside:-

“40. The above clarification fortifies my conclusion that network charges stand subsumed in the fixation of tariff itself even at the inception and there is simply no justification in any additional charges which will constitute double jeopardy on the same account.”

6. The only contention that is made is that the respondents are preferring an appeal before the Division Bench of this Court. That by itself would not be a reason to deny the very same benefit that is granted by this Court and if an appeal is preferred, the same course can also be followed in the present matter



W.P.No.14205 of 2025

also.
WEB COPY

7. In view thereof, this Writ Petition is allowed on the same terms:

(i) The petitioner can make a representation to the 4th respondent, seeking for refund of the amount already collected with interest and it is for the 4th respondent to calculate and award the same in accordance with law;

(ii) No costs. Consequently, the associated miscellaneous petitions are closed.

22.04.2025

Neutral Citation : Yes/No

Jer

To

1.Tamilnadu Green Energy Corporation Ltd
Tngecl, 144, Anna Salai, Chennai-600 002

2. Tamilnadu Power Distribution Corporation Ltd
TNPDC, 144, Anna Salai, Chennai-600 002

3. The Chief Financial Controller/Revenue (FAC)
NPKRR Maligai, 144, Anna Salai, Chennai-600 002

4. The Superintending Engineer
Pudukottai EDC
3074 East Main Road, Pudukottai 622 001.



WEB COPY



W.P.No.14205 of 2025

D.BHARATHA CHAKRAVARTHY, J.

Jer

W.P.No.14205 of 2025

22.04.2025

Page 6 of 6