



W.P.No.15086 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.15086 of 2025

and

W.M.P.Nos.16996, 17000, 17002 & 17003 of 2025

SRF LIMITED,
MANALI INDUSTRIAL AREA,
MANALI, CHENNAI,
TAMIL NADU-600 068.

... Petitioner

Vs

1. TAMIL NADU GREEN ENERGY CORPORATION LIMITED,
TNGECL, 144, ANNA SALAI,
CHENNAI - 600 002.
2. TAMILNADU POWER DISTRIBUTION CORPORATION LIMITED,
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,
C.E.D.C./NORTH, NPKRR MAALIGAI,
144, ANNA SALAI,
CHENNAI - 600 002.
5. SUPERINTENDING ENGINEER,
PUDUKOTTAI EDC,
PUDUKOTTAI - 622 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent in its Impugned Instructions dated 03.04.2025, bearing reference Ref. No. CFC/REV/FC/REV/AO/REV/D.239/2025 and the Current Consumption Bills for the Petitioner's HTSC No. 019094041263 (Manali), HTSC No.019094041666 (Gummidipoondi), and HTSC No. 069094460022 (Viralimalai) for the period from 2022 to March 2025, insofar 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, totalling Rs. 4,59,19,341/- along with interest and forbear the Respondents from levying network charges in future CC Bills, in compliance with the judgment dated 22.12.2024 of this Court in W.P. Nos. 22000 of 2022 batch.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.D.R.Arun 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. 019094041263 (Manali), HTSC No.019094041666 (Gummidipoondi), and HTSC No. 069094460022 (Viralimalai) for the period from 2022 to 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



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networking charges already collected totalling Rs. 4,59,19,341/- along 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 Judgement of this Court dated 22.12.2024 in W.P.Nos.22000 of 2022 etc.,. The said Judgement 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.

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



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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 also.

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

(i) The petitioner can make a representation to the fourth respondent,



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seeking for refund of the amount already collected with interest and it is for the fourth respondent to calculate and award the same in accordance with law;

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

25.04.2025

Neutral Citation: Yes/No
nsl

To

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D.BHARATHA CHAKRAVARTHY, J.

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