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W.P.No26712 and 26715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26712 and 26715 of 2023

M/s.Rajsriya Automotive Industries Pvt. Ltd.,
Rep. By its AGM – HR & Admin. & Authorized Signatory
K.Shankar ... Petitioner in both the W.Ps.

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Salem Mail Road, (TANGEDCO)
Krishnagiri. ... Respondents in both the W.Ps.

Prayer in W.P.No.26712 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned communication of the second respondent vide Lr.No.SE/KEDC/K.giri/AO/AAO/AS/RCS.HT/F.HTSC NO 19/2024 dated 03.03.2014 and the consequent communication in continuation thereto vide Letter bearing Lr.No.SEK/KEDC/AO/AAO-HT/AS/RCS/HT/F.HTSC. 19/D.No.. /2024 dated 13.08.2014 and quash the same as illegal, defective, arbitrary and contrary to the



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Electricity Act, 2003 & TN

Electricity Supply Code 2004 and consequently direct the second respondent to refund to the petitioner the C.C Charge to the tune of Rs.25,76,773/- paid under protest by the petitioner in respect of the dues of erstwhile M/s.Uma Maheswari Mills Limited within a stipulated time.

Prayer in W.P.No.26715 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent bearing Lr.No.SE/KEDC/K.GIRI/DFC/AAO-HT/RCS-HT/F.Waiver of BPSC/D.No /2016 dated 20.07.2016 and quash the same as illegal, defective, arbitrary and contrary to the Electricity Act, 2003 & TN Electricity Supply Code 2004 and consequently direct the second respondent to refund to the petitioner the BPSC Charge to the tune of Rs.27,82,915/- paid under protest by the petitioner in respect of the dues of erstwhile M/s.Uma Maheswari Mills Limited within a stipulated time.

For Petitioner : Mr.S.Satish
For Respondents : Mr.S.Madhusudanan
Standing Counsel for TANGEDCO

COMMON ORDER

W.P.No.26712 of 2023 has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned communication of the second respondent vide



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Lr.No.SE/KEDC/K.giri/AO/AAO/AS/RCS.HT/F.HTSC NO 19/2024 dated

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03.03.2014 and the consequent communication in continuation thereto vide Letter bearing Lr.No.SEK/KEDC/AO/AAO-HT/AS/RCS/HT/F.HTSC. 19/D.No.. /2024 dated 13.08.2014 and quash the same as illegal, defective, arbitrary and contrary to the Electricity Act, 2003 & TN Electricity Supply Code 2004 and consequently direct the second respondent to refund to the petitioner the C.C Charge to the tune of Rs.25,76,773/- paid under protest by the petitioner in respect of the dues of erstwhile M/s.Uma Maheswari Mills Limited within a stipulated time.

2.W.P.No.26715 of 2023 has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent bearing Lr.No.SE/KEDC/K.GIRI/DFC/AAO-HT/RCS-HT/F.Waiver of BPSC/D.No /2016 dated 20.07.2016 and quash the same as illegal, defective, arbitrary and contrary to the Electricity Act, 2003 & TN Electricity Supply Code 2004 and consequently direct the second respondent to refund to the petitioner the BPSC Charge to the tune of Rs.27,82,915/- paid under protest by the petitioner in respect of the dues of erstwhile M/s.Uma



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Maheswari Mills Limited within a stipulated time.

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3.The learned counsel appearing for the petitioner submitted that the petitioner purchased the property belonging to one M/s.Uma Maheswari Mills Limited (in liquidation) under the provisions of Companies Act and SARFAESI Act from Indian Overseas Bank pursuant to the notice dated 19.10.2010. At the time of purchase, neither the Indian Overseas Bank nor the SARFAESI Authority disclose with regard to the payment of dues of the earlier company to the electricity board. After purchase, the second respondent instead of providing power supply to the property, issued demand notice stating that M/s.Uma Maheswari Mills Limited is a defaulter and was in arrears of C.C. Charge to the tune of Rs.25,76,773/- and BPSC Charge to the tune of Rs.27,82,915/-.

4.The learned counsel appearing for the petitioner submitted that the petitioner under protest paid the entire C.C. Charge and 40% of BPSC Charge through demand draft dated 28.01.2014 and paid the balance BPSC Charge in ten equal installments. Thereafter, the petitioner made application for waiver of BPSC Charge, however, the second respondent issued the impugned order. The learned counsel



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further submitted that as per the TANGEDCO Board proceedings, the

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competent authority for approval of waiver involving amount exceeding Rs.25 Lakhs is Board of Directors of TANGEDCO. Hence, this Court may without going into the merits of the case, issue direction to the second respondent to forward the petitioner's application seeking waiver of BPSC Charge to the Board of Directors of TANGEDCO and issue direction to the Board of Directors of TANGEDCO to consider the application of the petitioner seeking waiver of BPSC Charge.

5.The learned Standing Counsel appearing for TANGEDCO submitted that the second respondent will entertain the application of the petitioner seeking waiver of BPSC Charge and forward the same to the Board of Directors of TANGEDCO.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Admittedly, the petitioner purchased the property belonging to one M/s.Uma Maheswari Mills Limited (in liquidation) under the



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provisions of Companies Act and SARFAESI Act from Indian Overseas

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Bank pursuant to the notice dated 19.10.2010. Thereafter, the second respondent issued demand notice stating that M/s.Uma Maheswari Mills Limited is a defaulter and was in arrears of C.C. Charge to the tune of Rs.25,76,773/- and BPSC Charge to the tune of Rs.27,82,915/- and the petitioner paid the entire amount and thereafter the petitioner made application for waiver of BPSC Charge, however, the second respondent issued the impugned order.

8.As per the TANGEDCO Board proceedings, the competent authority for approval of waiver involving amount exceeding Rs.25 Lakhs is Board of Directors of TANGEDCO. Hence, this Court without expressing any opinion on the merits of the case, directs the second respondent to entertain the application of the petitioner seeking waiver of BPSC Charge, within a period of two weeks from the date of receipt of a copy of this order and forward the same to the Board of Directors of TANGEDCO, within a period of two weeks thereafter. On receipt of the same, the Board of Directors of TANGEDCO is directed to consider the application of the petitioner seeking waiver of BPSC Charge in terms of Circular dated 16.02.2016 and pass appropriate



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orders, as expeditiously as possible.

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9.The writ petitions are disposed of. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Salem Mail Road, (TANGEDCO)
Krishnagiri.



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M.DHANDAPANI,J.
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