

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11267 of 2026

And

W.M.P.No.12271 of 2026

MRF Limited,
Rep. By its Deputy General Manager,
No.114, Greams Road,
Chennai – 600 006,
Tamil Nadu, India.

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Power Distribution Corporation Ltd (TNPDC),
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Financial Controller / Revenue,
Tamil Nadu Power Distribution Corporation Ltd (TNPDC),
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer,
Perambalur Electricity Distribution Circle (EDC),
Perambalur.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the impugned Demand Notice in Lr.No.SE/ PEDC/

PBLR/ AO/ Rev/ RCS/ AS/ F.HT.SC.No.81-DD/ D.No.99/2026 dated 18.02.2026 on the file of the third respondent and quash the same insofar as it demands Belated Payment Surcharge (BPSC) of Rs.46,54,690/- and forbear the respondents from taking any coercive steps against the petitioner for recovery of the said BPSC amount.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge
For Respondents : Mr.S.Wilson
Senior Counsel
for Mr.D.R.Arun Kumar

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records connected with the Demand Notice in Lr.No.SE/ PEDC/ PBLR/ AO/ Rev/ RCS/ AS/ F.HT.SC.No.81-DD/ D.No.99/2026 dated 18.02.2026 on the file of the third respondent and quash the same insofar as it demands Belated Payment Surcharge (BPSC) of Rs.46,54,690/- and forbear the respondents from taking any coercive steps against the petitioner for recovery of the said BPSC amount.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a company incorporated under the Companies Act, 1956. the petitioner is an HT consumer registered with the third respondent. The Tamil Nadu Electricity Regulatory Commission (TNERC) by its Tariff Order No.2 dated 15.05.2006 (in TP No.1 of 2005), introduced the concept of 'deemed demand' for HT Open Access consumers and the petitioner being an HT Open Access consumer availed the said deemed demand benefit, however, TANGEDCO/TNPDCL by Circular dated 29.07.2013 unilaterally withdrew the deemed demand benefit for Open Access consumers, consequent to which, the third respondent issued demand notices dated 03.12.2015 and 11.01.2016 demanding payment of a sum of Rs.22,35,753/- towards recovery of the short levy of demand charges for the period from August 2012 to June 2013 and challenging the same, the petitioner filed W.P.No.4131 of 2016 and this Court vide order dated 04.02.2016, granted interim stay on condition that the petitioner pay 50% of the demand charges and in compliance of the said interim order, the petitioner paid 50% of the demand for the period from August 2012 to June 2013.

4.The learned counsel appearing for the petitioner further submitted that this Court by a common order dated 14.09.2018 passed in W.P.Nos.5916 of 2014 etc., batch including W.P.No.4131 of 2016 allowed the writ petitions and quashed the Circular dated 29.07.2013 and aggrieved by the same, TANGEDCO filed writ appeals and the Hon'ble Division Bench of this Court vide order dated 19.11.2018 passed in W.A.Nos.2539 and 2540 of 2018, directed the writ petitioners therein, including the petitioner herein, to continue to pay 50% of the deemed demand charges within two weeks of each demand till the disposal of the writ appeals with further direction that in the event of TANGEDCO/TNPDCL fails in the appeals, the amount so collected shall be refunded. The learned counsel further submitted that TANGEDCO also filed W.A.Nos.947 of 2019 etc., batch including W.A.No.1209 of 2019 filed against the petitioner and the Hon'ble Division Bench of this Court allowed the said writ appeals on 12.12.2025 and set aside the common order dated 14.09.2018 passed by the learned Single Judge in W.P.Nos.5916 of 2014 etc., batch, pursuant to which, the impugned demand notice demanding huge amount of Rs.46,54,690/- towards Belated Payment Surcharge (BPSC) was issued to the petitioner.

5.The learned Senior Counsel appearing for the respondents submitted that the respondents are inclined to withdraw the impugned demand notice dated 18.02.2026 since there is some mistake in the calculation and will issue fresh demand notice as per the order of the Hon'ble Division Bench of this Court in W.A.Nos.947 of 2019 etc., batch.

6.In view of the fair submission made by the learned Senior Counsel appearing for the respondents, the impugned demand notice dated 18.02.2026 is set aside and the matter is remanded back to the third respondent. The third respondent is directed to pass appropriate orders strictly in terms of the order of the Hon'ble Division Bench of this Court and other orders passed by this Court.

7.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23.03.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

M.DHANDAPANI,J.
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To

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