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W.P.No.37107 of 2024

**W.P.No.37107 of 2024
and WMP.No.40098 of 2024**

S.SOUNTHAR, J.

The very same impugned order was challenged by the petitioner's predecessor in interest namely M/s.Avanthi Metals Private Limited in W.P.Nos.20093 and 20097 of 2023 and following interim order was passed on 28.07.2023.

2. When a similar matter arose for consideration of this Court, a Division Bench of this Court Vide its order dated 19.11.2018 in W.A.Nos.2539 and 2540 of 2018 has directed the petitioners to deposit 50% of the demand raised by the respondent TANGEDGO. The relevant portion is extracted hereunder;

6. This court has carefully considered the rival submissions and also perused the materials placed. In the light of the stand taken by the Tamilnadu Electricity Regulatory Commission in the counter affidavit in paragraph No.14 in W.P.No.28256 of 2014 etc., batch of writ petitions, coupled with the decision of the said Commission, vide the order dated 31.03.2016 in



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R.A.No.6 of 2013, this Court is of the considered view that prima facie case has been made out for grant of interim orders.

7. Hence, there shall be an order of interim stay as prayed for till 17.12.2018. It is also brought to the notice of this Court by the learned Advocate General that during the pendency of the writ petitions interim stay has been granted subject to the condition that the writ petitioners pay 50% of the amount demanded within a stipulated time.

8. Therefore, in the light of the above facts and circumstances, and reasons assigned above, this Court is of the considered view that the same arrangement shall continue till the disposal of the writ appeals for the reason that appellant in the event of success in these appeals may not be able to recover it and there may be possibility of respondents / writ petitioners to wind up operations due to vagaries of business or other reasons. Therefore, without prejudice to the rights and contentions, the first respondents / writ petitioners shall continue to pay 50% of the demand made as per the impugned orders /



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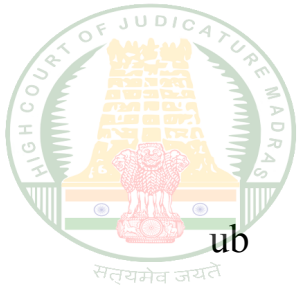
demand, the subject matter of challenge in the writ petitions, within a period of two weeks from the date of each demand. It is also made clear that the amount collected by virtue of the interim order in the writ petitions as well as in these writ appeals, by the appellant is also subject to the result of these writ appeals, and if the appellant fails, they are liable to refund the Deemed Demand Charges already collected from the first respondents / writ petitioners.

3. In view of the above, there shall be an order of interim stay on the petitioners paying 50% of the demand raised by the respondent TANGEDCO.

2. The interim order obtained by the petitioner's predecessor in interest will enure to the writ petitioner also.

3. With this clarification, the matter is listed on 20.12.2024 along with W.P.Nos.20093 and 20097 of 2024.

06.12.2024



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