



WP No. 37107 of 2024, 20093,
20097 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**WP No. 37107 of 2024, 20093, 20097 of 2023
and WMP.Nos.40096, 40097, 40098 of 2024 and
WMP.Nos.19433, 19434,19435, 19437, 19438, 19439 of 2023**

WP No. 37107 of 2024

Kaaveri Steels(I) Private Limited,
H.T.Sc.No. 069094450108,
7/1 And 4/3, Komal Road,
Maruthur Village, Therizhandur Post,
Kuttalam Taluk, Nagapattinam,
Rep. By Its Deputy General Manager (Finance),
C.Ravi

Petitioner(s)

Vs

1. The Chairman And Managing Director
Tamil Nadu Generation And Distribution Corporation
Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
- 2.Chief Financial Controller / Revenue,
TANGEDCO, (Accounts Branch)
144, Anna Salai, Chennai-600 002.
- 3.The Tamil Nadu Electricity Regulatory Commission,
Rep. By Its Secretary,
No.19A, Rukmani Lakshmipathy Salai, Egmore,
Chennai-08.
- 4.The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
TANDEGCO,
No.36, Sattayappar East Street,
Nagapattinam-611 001.

Respondent(s)



PRAYER

Calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

WP No. 20093 of 2023

M/s.Arise Industries And Agency Pvt. Ltd.,
HT.SC.No.069094420206
SF No.22/1A, Musiri Thuraiyur Main Road,
Jambunathapuram Musiri Taluk,
Rep. By Its Deputy General Manager
C.Ravi

Petitioner(s)

Vs

1. The Chairman And Managing Director
Tamil Nadu Generation And Distribution Corporation
Limited (TANGEDCO)
144, Anna Salai, Chennai-600 002.

2.Chief Financial Controller / Revenue,
TANGEDCO, (Accounts Branch)
144, Anna Salai, Chennai-600 002.

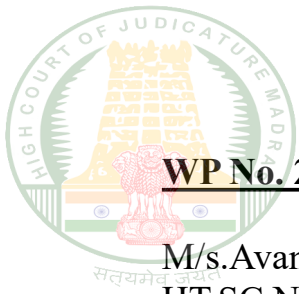
3.The Tamil Nadu Electricity Regulatory Commission,
Rep. By Its Secretary,
No.19A, Rukmani Lakshmipathy Salai, Egmore,
Chennai-600 008.

4.The Superintending Engineer,
Trichy Electricity Distribution Circle, Metro/TNEB,
Mannarpuram-620 020, Trichy District.

Respondent(s)

PRAYER

Calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.



WP No. 20097 of 2023

M/s.Avanti Metals Private Limited,
HT.SC.No.069094450108,
No.7/1 And 4/3 Komal Road,
Maruthur Village, Therizhandur Post,
Kuttalam Taluk, Nagapattinam District,
Rep. By Its Chief Executive Officer R.Ramesh

Petitioner(s)

Vs

1. The Chairman And Managing Director
Tamil Nadu Generation And Distribution Corporation
Limited (TANGEDCO),
144, Anna Salai,
Chennai-600 002.

2.Chief Financial Controller / Revenue,
TANGEDCO, (Accounts Branch),
144, Anna Salai, Chennai-600 002.

3.The Tamil Nadu Electricity Regulatory Commission,
Rep. By Its Secretary,
No.19A, Rukmani Lakshmipathy Salai, Egmore,
Chennai-600 008.

4.The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
TANGEDCO,
No.36, Sattayappar East Street, Nagapattinam-611 001.

Respondent(s)

PRAYER

Calling for the records of the 2nd respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner(s): Mr.D.G. Hariprasath
(in all WPs.)

For Respondent(s): Mr.D.B.R.Prabhu, Standing Counsel
(in all WPs.)



COMMON ORDER

WEB COPY

In these writ petitions, the petitioners challenge the cancellation of the deemed demand charges extended to the petitioners by the 2nd respondent, vide a circular dated 29.07.2013. This came under challenge in W.P.No.5916 of 2015 batch. A learned Single Judge of this Court allowed the same vide order dated 14.09.2018. This is now pending challenge in W.A.Nos.2539 and 2540 of 2018.

2. This issue was considered by the learned single Judge of this Court and similar impugned orders were quashed by this Court. Aggrieved by the same, the respondents have preferred an appeal and the same is pending in W.A.Nos.2539 & 2540 of 2018.

3. The Division Bench while entertaining the writ appeal directed the concerned parties to pay 50% of the demand made pursuant to the issuance of the impugned order. The relevant portions in the order passed by the Division Bench are 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 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.

WEB COPY

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 / 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. Call on 17.12.2018.”

4. In the light of the above order passed by the Division Bench, the petitioners have been paying the 50% deemed demand charges. Hence, the writ petitions are disposed of with a direction to the petitioners to continue to pay 50% of the demand made towards the deemed demand charges till the writ

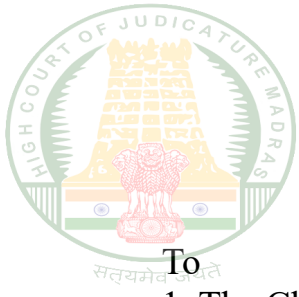


appeal is disposed of by the Division Bench. It is also made clear that the payment made by the petitioners will be subject to the result of the writ appeals and petitioners shall abide by the final orders passed by the Division Bench while disposing of the writ appeals.

5. These writ petitions are disposed of accordingly. No Costs.
Consequently, connected miscellaneous petitions are closed.

01-12-2025

pvs
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

1. The Chairman And Managing Director
Tamil Nadu Generation And Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.

2. Chief Financial Controller / Revenue,
TANGEDCO, (Accounts Branch)
144, Anna Salai, Chennai-600 002.

3. The Tamil Nadu Electricity Regulatory
Commission,
Rep. By Its Secretary,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-08.

4. The Superintending Engineer,
Nagapattinam Electricity Distribution
Circle, TANDEGCO,
No.36, Sattayappar East Street,
Nagapattinam-611 001.

5. The Superintending Engineer,
Trichy Electricity Distribution Circle,
Metro/TNEB, Mannarpuram-620 020,
Trichy District.



WEB COPY

WP No. 37107 of 2024, 20093,
20097 of 2023



N.SATHISH KUMAR J.
pvs

**WP No. 37107 of 2024,
20093, 20097 of 2023**

01-12-2025