IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 21.08.2014

Pronounced on : 23-12-2014

Coram

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition Nos. 17279, 17967, 17980, 17981, 18011, 18012, 18061, 18109, 18130, 18357, 18358, 18359, 18360, 18651, 18652, 18653, 18654, 18655, 18708, 18808, 18900, 18903, 19137, 20139, 20255, 20256, 20412, 20973, 21242, 22285, 22931 and 22932 of 2014

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1 M/S.CHENDUR PAPER MILLS (P) LTD. THENMUGAM VELLODE VILLAGE VELLODE POST PERUNDURAI ERODE DISTRICT REP. BY ITS DIRECTOR. ... PETITIONER in WP No.17279 of 2014

1 M/S.SRI VARI PAPERS PVT.LTD. REP BY ITS MANAGING DIRECTOR NAGARPALAYAM GOBICHETTIPALAYAM 638 452 TAMILNADU ... PETITIONER in WP No.17967 of 2014

1 M/S. VAITHIALINGAM SPINNING MILLS (P) LTD. CHINNAGOUNDAPURAM RAMALINGAPURAM SALEM-636106 REPD. BY ITS MANAGING DIRECTOR P.SUBBARAYAN. ... PETITIONER in WP No.17980 of 2014

1 M/S.VIJAYAKUMAR GASES (P) LTD. 1A ADDISELVAM STREET AMMAPET SALEM-636003 REPD. BY ITS MANAGING DIRECTOR V.SHANMUGAM. ... PETITIONER in WP No.17981 of 2014

1 M/S.CHIRANJILAL SPINNERS P.LTD REP. BY ITS DIRECTOR MR.ANURAG PARASRAMPURIA ADM. OFF. 12/62E BRINDAVAN ROAD I CROSS FAIRLANDS SALEM-636 016. ... PETITIONER in WP No.18011 of 2014

1 M/S.SRI VENKATRAMANA PAPER MILLS PVT. LTD (FORMERLY KNOWN AS SAM TURBO INDUSTRY LTD) NO.15 SREEVASTHA GARDEN THUDIYALUR METTUAPALAYAM ROAD COIMBATORE-641 034. ... PETITIONER in WP No.18012 of 2014

1 M/S.SKM EGG PRODUCTS EXPORTS (INDIA) LIMITED REP BY ITS MANAGING DIRECTOR MR. SKM SHREE SHIVKUMAR NO.185 CHENNIMALAI ROAD ERODE 638 001 ... PETITIONER in WP No.18061 of 2014

1 M/S.TRIVENI ALLOYS LTD. HTSC NO.1684 NO.76/152/2 2ND FLOOR RANGARAJAPURAM MAIN ROAD KODAMBAKKAM CHENNAI 24 REP BY ITS DIRECTOR N. KRISHNAMURTHY ... PETITIONER in WP No.18109 of 2014

1 M/S.R.V.STEELS LIMITED REP. BY ITS GENERAL MANAGER NO.4/2 2ND STREET B.N.ROAD T.NAGAR CHENNAI-600 017. ... PETITIONER in WP No.18130 of 2014

1 INDUS STEELS AND ALLOYS LIMITED THALLY ROAD ULIVEERANAPALLI VILLAGE DENKANIKOTTAI TALUK BELAGONDAPALLI- 635114 KRISHNAGIRI DISTRICT REPD. BY ITS MANAGER C.RAJU. ... PETITIONER in WP No.18357 of 2014

1 M/S.DHARANIDARA SPINNING MILLS (P) LTD. KANAGIRI VILLAGE KAKKAPALAYAM POST SALEM-636506 REPD. BY ITS MANAGING DIRECTOR MR. M.MAHUDESWARAN. ... PETITIONER in WP No.18358 of 2014

1 SILVER SPRING SPINNERS INDIA (P) LIMITED MULLIKULAM MALLI VILLAGE- 626141 SRIVILLIPUTHUR TALUK VIRUDHUNAGAR DISTRICT REPD. BY ITS MANAGER R.ARIVALAGAN. ... PETITIONER in WP No.18359 of 2014

1 ARMSTRONG SPINNING MILLS (P) LTD. HT SC NO.83 178 MENNKARAMPALAYAM LAGAMPALYAM VILLAGE GOBI TALUK ERODE REP. BY ITS MANAGER B.SARAVANASURESH. ... PETITIONER in WP No.18360 of 2014

1 RAHA OILS (P) LTD. 376 MANICKANATHAM ROAD PARAMATHY PARAMATHY VELUR TALUK NAMAKKAL DISTRICT REP BY ITS AUTHORIZED SIGNATURE MR.N. LOGANATHAN ... PETITIONER in WP No.18651 of 2014

1 M/S.K.K.P.SPINNING MILLS (P) LTD. REG OFF NO.88 SALEM ROAD NAMAKKAL 637 001 REPD. BY ITS MANAGER P.RAMAR ... PETITIONER in WP No.18652 of 2014

1 MIDHUNAM SPINNERS (PVT) LTD HTSC NO.170 S.F. NO. 151/1 MANIYANUR VILLAGE MANIYANUR POST TIRUCHENGODU NAMAKKAL DISTRICT REP ITS DIRECTOR T.ANAND ... PETITIONER in WP No.18653 of 2014

1 SHWARNAGANAPATHY TEXTILE MILLS LLP HTSC NO.171 S.F.NO.58 DEVANAMPALAYAM VILLAGE PARAMATHY VELUR TALUK NAMAKKAL REP BY ITS AUTHORIZED SIGNATURE T.A. SRINIVASAN ... PETITIONER in WP No.18654 of 2014

1 N.R.U.SPINNING MILLS LTD. NO.51 CHINNAIAH PILLAI STREET 7TH CROSS MARAVANERI SALEM-636 001 REPD. ITS MANAGER A.GUNASEKARAN. ... PETITIONER in WP No.18655 of 2014

1 N.G.A. STEELS (P) LTD. H.T.SC.NO.161 PAPPANKADU KARUKKAMPALAYAM VILLAGE MORUR POST SANKARI TALUK SALEM DISTRICT REP. BY ITS MANAGER C.KARTHIKEYAN. ... PETITIONER in WP No.18708 of 2014

1 M/S.PAVAI ALLOYS & STEELS [P] LTD., H.T.S.C.No.167, S.F.No.433, A,B,C & D, NALLUR KADAMPALAYAM, PARAMATHIVELUR TALUK, NAMAKKAL DISTRICT 637 203, REP. BY ITS MANAGING DIRECTOR, V.KUPPUSAMY. ...PETITIONER IN WP.18808/14.

1 M/S.JAY JAY LINERS P LTD REP BY ITS DIRECTOR V.RAVINDRAN NO.1/53 ALINJIVAKKAM CHENNAI 67 ... PETITIONER in WP No.18900 of 2014

1 M/S.VARALAKSHMI STARCH INDUSTRIES LIMITED REP BY MANAGING DIRECTOR V.ANBALAGAN VARALAKSHMI TOWER 2ND FLOOR 127/1 GANDHI ROAD HASTHAMPATTY SALEM 636 007 ... PETITIONER in WP No.18903 of 2014

1 SIDDHANATHA TEXTILES (P) LTD. REP BY ITS MANAGING DIRECTOR K.S.NAGARAJAN NO.282 EASWARAN KOIL STREET ERODE 638 001 ... PETITIONER in WP No.19137 of 2014

1 M/S.MARSHALL TEXTILES (P) LTD ... PETITIONER in WP No.20139 of 2014
PALLIPALAYAM SANTHIPALAYAM
GOBICHETTIPALAYAM-638 110.

1 SUJITHA COTTON MILLS LTD. ... PETITIONER in WP No.20255 of 2014
SATHY MAIN ROAD NEELIPALAYAM NOCHIKUTTAI
POST P.PULIAMPATTI AVINASHI TALUK TIRUPUR-
638459 REPD. BY ITS MANAGER A.DHANDAPANI.

1 VISHNUVARDHAN PAPER MILLS ... PETITIONER in WP No.20256 of 2014
(P) LIMITED HTSC 184 REGD. OFFICE: 1ST
FLOOR NO.132 PALANI ROAD VENKATESA MILLS
POST UDUMALPET REPD. BY ITS DIRECTOR G.R.
VISHNUVARDHAN.

1 M/S.ROSVAR STEELS PRIVATE LTD ... PETITIONER in WP No.20412 of 2014
350-A SUBRAMANIAMPALAYAM ROAD G.N.MILLS
POST COIMBATORE 641 029

1 SRI THIRUMALAI VENKATASAMY ... PETITIONER in WP No.20973 of 2014
TEXTILES (P) LTD. 1/191 SIRUMUGAI ROAD
BELLATHI KARAMADAI-641104 COIMBATORE
DISTRICT.

1 M/S. MANNESWARA TEXTILES PVT. ... PETITIONER in WP No.21242 of 2014
LTD. REP. BY ITS MANAGING DIRECTOR P.
GANESAN HAVING OFFICER AT 81/1 SATHY ROAD
ANNUR-641653 COIMBATORE DISTRICT.

1 M/S. P.S.G. SPINNING MILLS ... PETITIONER in WP No.22285 of 2014
(P) LTD. 41 MAJID STREET KANGAYAM-638701
TIRUPUR DISTRICT REP. BY ITS DIRECTOR P.S.
MYLSWAMY.

1 M/S.L.S.P.M.SPINNER P. LTD ... PETITIONER in WP No.22931 of 2014
HTSC NO.389 MULLIPURAM NATAKADAIYUR VIA
KANGEYAM-638 108 REP. BY ITS MANAGER T.
PRAKASH

1 SRI KUPPANNA SPINNING MILLS ... PETITIONER in WP No.22932 of 2014
(P) LTD 363/1A KANGEYAM ROAD MUTHUR-638
105 ERODE DISTRICT REP. BY ITS FACTORY
MANAGER P.PONNAZHAGAN

-VS-

1 THE TAMILNADU ELECTRICITY
BOARD REP. BY ITS CHAIRMAN ANNA SALAI
CHENNAI-600 002. ... 1ST RESPONDENT in WP No.17279 of 2014
AND 2ND RESPONDENT IN WP.22285 OF 2014.

2 THE SUPERINTENDING ENGINEER
ERODE ELECTRICITY DISTRIBUTION CIRCLE NO.
948 E.V.N. ROAD ERODE-638 009. ..2ND RESPONDENT IN WP.17279 OF 2014.

1 STATE OF TAMILNADU
REP BY THE SECRETARY TO GOVERNMENT ENERGY
DEPARTMENT SECRETARIAT FORT ST. GEORGE
CHENNAI 9

2 THE TANGEDCO
REP BY ITS CHAIRMAN NO.800 ANNA SALAI
CHENNAI 2 ... RESPONDENTS 1 AND 2 in WP No.17967 of 2014,
17980, 17981, 18011, 18012, 18109, 18130,
18357, 18358, 18359, 18360, 18651, 18652,
18653, 18654, 18655, 18708, 18808,18900,
18903, 19137, 20139, 20255, 20256, 20412,
22931 AND 22932 OF 2014.

3 THE SUPERINTENDING ENGINEER
GOBI ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU ELECTRICITY BOARD
GOBICHETTIPALAYAM 638 452. ...3RD RESPONDENT IN WP.17967 OF 2014.

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD SALEM
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
SALEM-636014. ..3RD RESPONDENT in WP No.17980, 17981, 18011, 18358 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD SALEM
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
SALEM-636014. ...3RD RESPONDENT in WP No.17981 of 2014

3 THE SUPERINTENDING ENGINEER
GOBI ELECTRICITY DISTRIBUTION CIRCLE
TANGEDCO GOBICHETTIPALAYAM-638 452. ... RESPONDENT in WP No.18012 of 2014

1 THE CHAIRMAN ...1ST RESPONDENT in WP No.18061 of 2014
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD. (TANGEDCO) 800 ANNA SALAI
CHENNAI 2

2 THE SUPERINTENDING ENGINEER
ERODE ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD. (TANGEDCO) 948 E.V.N. ROAD
ERODE 638 009 ...2ND RESPONDENT in WP No.18061 of 2014 AND 3RD RESPONDENT IN WP.No.19137 of 2014.

3 THE SUPERINTENDING ENGINEER
TAMILNADU ELECTRICITY BOARD CHENNAI NORTH
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
CHENNAI 2 ...3rd RESPONDENT in WP No.18109 of 2014, 18900 of 2014.

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD CHENNAI EDC
NORTH 791 ANNA SALAI CHENNAI-600 002. ...3rd RESPONDENT in WP No.18130 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD KRISHNAGIRI
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
KRISHNAGIRI DISTRICT. ...3rd RESPONDENT in WP No.18357 of 2014.

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD VIRUDHUNAGAR
ELECTRICITY DISTRIBUTION CIRCLE
VIRUDHUNAGAR. ...3rd RESPONDENT in WP No.18359 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD GOBI
ELECTRICITY DISTRIBUTION CIRCLE ERODE....3rd RESPONDENT in WP No.18360 and 18651 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD NAMAKKAL
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
NAMAKKAL ...3rd RESPONDENT in WP No.18652 to 18654 of 2014.

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD METTUR
ELECTRICITY DISTRIBUTION CIRCLE METTUR DAM-
636 401. ...3rd RESPONDENT in WP No.18655 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD NAMAKKAL
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
TIRUCHENGODE ROAD NAMAKKAL. ...3RD RESPONDENT in WP No.18708 of 2014 AND 18808 OF 2014.

3 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICTY DISTRIBUTION CIRCLE
TANGEDCO DHARMAPURI 636 705 ...3RD RESPONDENT in WP No.18903 of 2014

3 THE SUPERINTENDING ENGINEER
GOBI ELECTRICITY SYSTEM TAMIL NADU
ELECTRICITY BOARD GOBI-638 452 ...3RD RESPONDENT in WP No.20139 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD TIRUPUR
ELECTRICITY DISTRIBUTION CIRCLE
TIRUPUR. ...3RD RESPONDENT in WP No.20255 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD DINDIGUL
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
DINDIGUL. ...3RD RESPONDENT in WP No.20256 of 2014

3 THE SUPERINTENDING ENGINEER
COIMBATORE EDC/NORTH
COIMBATORE 641 012 ...3RD RESPONDENT in WP No.20412 of 2014 AND 20973 OF 2014.

3 THE SUPERINTENDING ENGINEER
COIMBATORE ELECTRICITY DISTRIBUTION CIRCLE
(NORTH) COIMBATORE-641012. ...3RD RESPONDENT in WP No.20256 of 2014

3 THE SUPERINTENDING ENGINEER
TIRUPPUR ELECTRICITY DISTRIBUTION CIRCLE
TIRUPPUR-641602. ...3RD RESPONDENT in WP No.21242 of 2014

3 THE SUPERINTENDING ENGINEER
TIRUPUR ELECTRICITY DISTRIBUTION CIRCLE
PERUMANALLUR ROAD TIRUPUR-641602. ...3RD RESPONDENT in WP No.22285 of 2014

3 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD TIRUPPUR
ELECTRICITY DISTRIBUTION CIRCLE TANGEDCO
TIRUPPUR-641 602. ...3RD RESPONDENT in WP No.22931 AND 22932 of 2014

WP No.17279 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of certiorari Calling for the records relating to the impugned proceedings of the 2nd respondent in Lr. No.SE/EEDC / ED/DFC/AO/HT /AS/A2/F.TF. CON/D.635/14 Dated 16.06.2014 quash the same.

WP No.17967 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent comprised in its letter dt 9.6.2014 bearing No. Lr. No. SE/GEDC/GOBI/DFC/A.2/F. SriVari/D.039/2014 and quash the same and consequently direct the respondents to grant tariff concession to the petitioners HT A/C No.74 by following the procedure laid down by the Honourable Supreme Court in its judgment dt 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Ors

WP No.17980 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 16.06.2014 bearing Lr.No. SE/SEDC/AOR/HT/ A3/F.TF.CONS/D 283/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.187 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.17981 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 16.06.2014 bearing Lr.No. SE/SEDC/AOR/HT/ A4/F.TF.CONS/D 286/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.168 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18011 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its letter dated 16.6.2014 bearing No. Lr.No.SE/ SEDC/ AOR/HT/A.4/ F.TF.CONS/ D.284/2014 and quash the same and consequently direct the respondents to grant tariff concession to the petitioners HT SC No.178 in terms of the law laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Others

WP No.18012 of 2014
Petition filed under Article 226 of Constitution of India, to issue

a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its letter dated 23.6.2014 bearing No. Lr. No.SE/GEDC/ GOBI/DFC/ A.2/F.SAM TURBO/ D.041/2014 and quash the same and consequently direct the respondents to grant tariff concession to the petitioners HT S/C No.68 in terms of the law laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Others

WP No.18061 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of certiorari to call for the records relating to the order bearing Lr. No. SE/EEDC/ED/DFC/AO/HT/ A2/F.TF.CON./D.643/2014 dated 17.6.2014 on the file of the 2nd respondent and quash the same

WP No.18109 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his impugned demand letter No. SE/ CEDC/N/DFC/AAO/HT/A.4/F-TC/D.267/2014 dt 21.6.2014 and quash the same as illegal, arbitrary, untenable without the authority of law, and goes against the very spirit of the order of the Supreme Court dt 16.5.2008 and consequently direct the respondents to grant tariff concession to the petitioners HT A/C No. 1684 by following the procedure laid down by the Honourable Supreme Court in its judgment dt 16.5.2008 passed in Civil Appeal No. 3940 of 2008 batch

WP No.18130 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its letter dated 21.6.2014 bearing No. Lr.No.SE/ CEDC/ N/DFC/AAO/ HT/A.4/F.TC/D.268/2014 and quash the same and consequently direct the respondents to grant tariff concession to the petitioners HT A/C No.1657 in terms of the law laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Others

WP No.18357 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 18.06.2014 bearing Lr.No. SE/KEDC/AO/ AAOHT/AS RCSHT/F.T.F. COLL/D/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.225 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18358 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 16.06.2014 bearing Lr.No. SE/SEDC/AOR/HT/ A3/F.TF.CONS/D 285/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the

very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.185 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18359 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 26.06.2014 bearing Lr.No. SE/VREDC/DFC/AO/ R/RCS/AS/ F.TF/D.No.594/14 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.174 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18360 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 19.06.2014 bearing Lr.No. SE/GEDC/GOBI/DFC/ A.2/F.Armstrong/ D.040/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.83 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18651 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 4.7.2014 bearing Lr.No. SE/NEDC/DFC/HT/AS/Asst/F.TF Con/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.172 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18652 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 4.7.2014 bearing Lr.No. SE/NEDC/DFC/HT/AS/Asst/F.TF Con/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.175 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18653 of 2014

Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 4.7.2014 bearing Lr.No. SE/NEDC/DFC/HT/AS/Asst/F.TF Con/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.170 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18654 of 2014

Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 4.7.2014 bearing Lr.No. SE/NEDC/DFC/HT/ASD/Asst/F.T.F Con/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.171 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18655 of 2014

Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 18.06.2014 bearing Lr.No. SE/MEDC/DFC/AOR/AS/HT/F.TF Con/R.097/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.163 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.18708 of 2014

Calling for the records of the 3rd Respondent in his impugned demand letter No. SE/NEDC/DFC/ HT/AS/ASST/ F.TF.Con/2014 dated 04.07.2014 and quash the same as illegal, arbitrary, untenable and without the authority of law and goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.161 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 batch

WP No.18808 of 2014

Calling for the records of the 3rd Respondent in his impugned demand letter No. SE/NEDC/DFC/ HT/AS/ASST/ F.TF.Con/2014 dated 04.07.2014 and quash the same as illegal, arbitrary, untenable and without the authority of law and goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/C No.167 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 batch

WP No.18900 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned demand letter Lr. No. SE / CEDC / N / DFC / AAO / HT /A.4 / FTC / D.269/2014 dated 21.6.2014 issued by the 3rd respondent and quash the same as illegal, arbitrary, unsustainable and without authority of law and consequently direct the respondents to grant tariff concession to the petitioners HTSC No.1661 as per law

WP No.18903 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in the impugned proceedings made by the 3rd respondent in letter No.SED/DFC/RCS/HT/F.HT.SC.No.235/2014 dt.11.06.2014 and quash the same as arbitrary, illegal and contrary to the findings of the judgement rendered by the Honourable Supreme Court of India reported in2008(7) SCC 353 - Tamilnadu Electricity Board and another Vs-Status Spinning Mills Limited and another and the order of this Honourable Court dt.13.11.2008 made in W.P.No.19095 of 2008 and further direct the 2nd and 3rd respondents to refund a sum of Rs.15,29,558/- paid by the petitioner during the initial period without availing tariff concession for the relevant concession period originally proposed by the Government of Tamil Nadu in G.O.Ms.No.29 Energy Department dated 31.01.95.

WP No.19137 of 2014
calling for the entire records relating to the proceedings in Lr. No. SE/EEDC/ED/ DFC/ AO/HT/AS/A2/F.TF.CON/D.844/14 dt 17.6.2014 on the file of the 3rd respondent herein and quash the same as arbitrary, illegal and in violation of the law laid down by the Supreme Court in its Judgement dated 16.5.2008 in C.A. No.3940 of 2008 and consequently direct the respondents herein to extend H.T. Tariff concession to the petitioner Industry H.T. S.C. No. 128 for a period of three years w.e.f. Nov 2000 to June 2003

WP No.20139 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its letter dated 10.7.2014 bearing No.Lr.No.SE/ GEDC/GOBI/ DFC/A.2/ F.Marshall/ D../2014 and quash the same and consequently direct the respondents to grant Tariff Concession to the petitioners HT A/C No.77 in terms of the Judgment of the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Ors

WP No.20255 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 22.07.2014 bearing

Lr.No. SE/TEDC/Tirupur/ DFC/AO/Rev/ F.TFconcn/Sujitha cotton/D 2609/14 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner industry by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.20256 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 16.07.2014 bearing Lr.No. SE/DGL/DFC/ AO/REV/F.Vishnu/ D.No.289/2014 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant tariff concession to the petitioner HT A/c. No.184 by following the procedure laid down by the Honourable Supreme Court in its judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.20412 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent comprised in its letter dated 17.07.2014 bearing Lr.No.SE/CEDC/N/Cbe/DFC/AO/HT/F.COURT CASE/D.846/14 and quash the same and consequently direct the respondents to grant tariff concession to the petitioners HT SC.No.237 in terms of the Judgement of the Honourable Supreme Court dated 16.5.2008 passed in Civil appeal No.3940 of 2008 and others

WP No.20973 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its letter dated 17.07.2014 bearing Letter No. SE/CEDC/N/Cbe/ DFC/AO/HT/F.TF COURT CASE/D845/14 and quash the same and consequently direct the respondents to grant Tariff Concession to the petitioner HT SC No.248 in terms of the Judgment of the Honourable Supreme Court dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Others

WP No.21242 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the third respondent comprised in its Letter No. SE/TEDC/Tiruppur/ DFC/AO/REV/ F.TF.Concn/ Manneswar Textiles/D264/14 dated 24.07.2014 and quash the same and consequently direct the respondents to grant Tariff Concession to the petitioner HT SC No.35 in terms of the Judgment of the Honourable Supreme Court dated 16.5.2008 passed in Civil Appeal No.3940 of 2008 and Others

WP No.22285 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent-Board comprised in its order in Lr.No. SE/TEDC/Tirupur/ DFC/AO/Rev/ F.T.F. Consn/ PSG Spg/D 2445/14 dated 16.07.2014 and quash the same as illegal and arbitrary and consequently direct the 3rd Respondent-Board to grant tariff concession to the petitioner High Tension Service Connection No.395 by following the procedure laid down by the Supreme Court in its judgment dated 16.05.2008 passed in Civil Appeal No.3940 etc. batch of 2008

WP No.22931 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 12.8.2014 bearing Lr.No.SE/ TEDC/Tirupur/ DFC/AO/ Rev./ F.TF.Concn/ L.S.P.M. Spinners/ D3088/14 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant Tariff Concession to the petitioner HT A/c. No.389 by following the procedure laid down by the Honourable Supreme Court in its Judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

WP No.22932 of 2014
Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the records of the 3rd Respondent in his impugned demand notice dated 12.8.2014 bearing Lr.No.SE/ TEDC/Tirupur/ DFC/AO/ Rev./ F.TF.Concen/ Sri Kuppanna/ D3082/14 and quash the same as illegal, arbitrary, without the authority of law, goes against the very spirit of the order of the Supreme Court dated 16.05.2008 and consequently direct the respondents to grant Tariff Concession to the petitioner HT A/c. No.390 by following the procedure laid down by the Honourable Supreme Court in its Judgment dated 16.5.2008 passed in Civil Appeal No.3940 of 2008

For Petitioners : Mr. G. Masilamani, Senior Advocate
for Mr. Mani Sundargopal in WP No.18061 of 2014

Mr. Ar.L. Sundaresan, Senior Advocate
for Mr. R.S. Pandiaraj in WP No. 17980, 17981, 18357, 18358, 18359, 18360, 18651, 18652, 18653, 18654, 18655, 20255 and 20256 of 2014

Mr. V.R. Rajasekaran in WP No. 19137 of 2014
Mr. Bharat Kumar in WP Nos. 20973 & 21242 of 2014

Mr. K. Jayachandran in WP No. 18900 of 2014

Mr. V.P. Sengottuvel in WP No. 18903 of 2014
Mr. Satish Parasaran in WP No. 17967, 18011, 18012, 18130, 20139 and 20412 of 2014

Mr. K. Seshadri in WP Nos.18708, 18109 & 18808/2014

Mr. N.L. Rajah in WP No. 22285 of 2014

Mr. V. Selvaraj in WP No. 17279 of 2014

Mr. S.P. Parthasarathy in WP Nos. 22931 & 22932 of 2014

For Respondents : Mr. P.H. Aravindh Pandian, Additional Advocate General for M/s. S.K. Raameshwar, P. Gunaraj, M. Varunkumar, P.R. Dhilip Kumar for TNEB in all the Writ Petitions

COMMON ORDER

The petitioners, who are high tension electricity consumers with the respondents/Electricity Board, have filed these writ petitions challenging the orders of rejection passed by the respective Superintending Engineers refusing to extend the tariff concession sought for by them. In all the writ petitions, pleadings are common and the arguments raised by the learned counsel appearing for the petitioners as well as the respondents are identical. Therefore, by consent of counsel on either side, these writ petitions are taken up together and are disposed of by this common order.

2. (i) For the purpose of narration of facts, first the pleadings in WP No. 17279 of 2014 are taken up for consideration. In this case, the petitioner company established the paper mill and also applied for supply of electricity service connection for running their mill. On 26.04.1995, the second respondent sanctioned supply of electricity service connection and requested the petitioner to comply with certain conditions stipulated by them. On 22.04.1996, the petitioner demanded the second respondent to provide electricity service connection to their mill. In that letter, it was also stated that they are ready to avail the power supply. On 05.10.1996, the second respondent required the petitioner to deposit Rs.2,39,250/- towards development charges, service collection, meter caution deposit and other charges. Accordingly, the petitioner has drawn a demand draft on 09.10.1996 in favour of the second respondent. Thereafter, by proceedings dated 20.01.1997, the second respondent required the petitioner to sign an agreement, which was also signed by the Managing Director of the petitioner company. However, only on 03.12.1997, the second respondent effected supply of electricity service connection to the petitioner mill. Therefore, a dispute arose regarding the availing of tariff concession for high tension industries inasmuch as the second respondent contended that the petitioner is not entitled for such concession when the supply itself was effected only after the cut off date viz., 14.02.1997. Therefore, the petitioner questioned the refusal to extend the tariff concession by filing writ petition No. 11310 of 1998 before this Court and on 04.08.1998, this Court

granted interim order in WMP No. 17242 of 1998 permitting the petitioner to pay the electricity charges at concessional rate. This Court also directed the petitioner to furnish bank guarantee with respect to the difference between the tariff rate and the concessional tariff. This Court also held that if ultimately the petitioner could not succeed in the writ petition, they have to pay the differential amount with 15% interest per month. Ultimately, the writ petition itself was disposed of on 23.06.2006 directing the respondents/electricity board to consider the claim made by the petitioner for extension of tariff concession to them based on the letter dated 22.04.1996 of the petitioner.

(ii) Pursuant to the order passed by this Court, the second respondent issued a notice dated 03.07.2008 calling upon the petitioner to pay Rs.9,00,463/- towards tariff concession arrears. In that notice, it was stated that for availing the tariff concession, the petitioner company should have obtained CEIG certificate before the cut off date viz., 14.02.1997, but the petitioner obtained such certificate only on 29.04.1997. Therefore, it was stated that the petitioner is not eligible and entitled for availing the tariff concession. It was further informed that such a decision to collect the arrears of tariff concession was made on the basis of the judgment rendered by the Honourable Supreme Court in Civil Appeal No. 3940 of 2008 dated 16.05.2008 wherein it was held that tariff concession is applicable not only to industries which commenced commercial production before 14.02.1997 but also to those who applied for and who were otherwise ready to take electricity connection by depositing the amount sought for. In that decision, the Honourable Supreme Court directed the Electricity Board to examine the case of each industry individually and to extend the tariff concession on the basis of eligibility. Relying upon this judgment, in the notice dated 03.07.2008, the second respondent pointed out that the petitioner is not entitled for availing tariff concession. According to the petitioner, the notice dated 03.07.2008 issued by the second respondent is contrary to the judgment of the Honourable Supreme Court inasmuch as the petitioner informed the Electricity Board regarding their readiness by letter dated 22.04.1996 and also deposited the amount on 09.10.1996. In such circumstance, the petitioner filed W.P. No. 17103 of 2008 before this Court challenging the notice dated 03.07.2008. The said writ petition, along with other batch of writ petitions were allowed by this Court on 13.11.2008. Challenging the same, the Electricity Board filed W.A. No. 661 of 2010 etc., batch. The said writ appeal, along with other connected writ appeals were taken up by the Division Bench of this Court. Ultimately, the Division Bench, by a common judgment dated 29.11.2013, disposed of the writ appeals with certain direction to the Electricity Board to comply with the order passed by the learned single Judge and to strictly follow the guidelines issued by the Honourable Supreme Court in the decision reported in 2008 (7) SCC 353.

(iii) Pursuant to the direction issued by the Division Bench of this Court on 29.11.2013, the second respondent, by letter dated 25.04.2014, called upon the petitioner to appear for an enquiry and produce documentary evidence to substantiate their claim for tariff concession. Even though the petitioner produced the documentary evidence, as sought for by the second respondent, without examining or without considering the documentary evidence, the second respondent passed the order dated 16.06.2014. Challenging the same, the petitioner has filed WP No. 17279 of 2014.

3.(i) In yet another writ petition in WP No. 18061 of 2014 filed by M/s. EKM Engineering Products Exports (India) Limited, it was mainly contended that the petitioner applied for supply of electricity on 05.12.1995, however, such application was not processed by the Electricity Board. The petitioner sent reminders on 23.12.1995, 30.01.1996 and 20.02.1996 requesting the respondents to process their application for effecting power supply. On 26.02.1996, a feasibility report was given to the petitioner company after inspection. However, nothing was heard from the respondents for a considerable length of time, therefore, on 20.03.1996, the petitioner sent a letter requesting them to accord approval for supply of electricity in time. Thereafter, on 05.04.1996, the petitioner was called upon to remit the EMD charges to the tune of Rs.5,10,000/- which the petitioner remitted on 22.04.1996. After such deposit, the respondents did not effect the service connection which necessiated the petitioner to send yet another reminder on 14.11.1996. On 11.02.1997, the petitioner also sent a letter intimating their readiness to the respondent to get the high tension service connection inasmuch as all the civil and electrical works required for obtaining such service connection were made ready. On 13.02.1997, an inspection was conducted by the officials of the Electricity Board and confirmed the preparedness of the petitioner to take the electricity service connection. Thus, the petitioner company was ready to get the power supply even before the cut off date viz., 14.02.1997. While so, on 03.03.1997, the petitioner was directed to pay Rs.5,18,440/- towards development charges, service connection charges and meter caution deposit, which was also paid by the petitioner on 07.03.1997. Thereafter, only on 18.06.1997, power supply was effected to the petitioner company. Inspite of the above compliance, by a letter dated 16.08.1997, the petitioner was informed that they are not entitled or eligible to avail power tariff concession in view of the order passed by the Government in G.O. Ms. No.17 dated 14.02.1997 wherein it was ordered that new high tension industries which were set up after 15.02.1997 are not eligible for power concession. Subsequently, a clarification letter was issued clarifying that the word "set up" would mean and include those high tension industries for which power supply was actually extended on or before 15.02.1997. The petitioner thereafter filed WP No. 14699 of 1997 challenging the clarification letter issued by the Government. Similar writ petitions filed by the other companies were also taken up by this Court. This Court ultimately held that the industries which were established on or before 14.02.1997 are entitled to the tariff concession, provided, it has to be established before the respective Superintending Engineer by producing documentary evidence. Aggrieved by the same, the Electricity Board filed W.A. No. 1289 of 1999 etc., batch. The Division Bench, by judgment dated 19.07.2005 disposed of the appeals by holding that the industries which have been established before 14.02.1997 as well as those industries for which electricity connection may not have been given prior to 15.02.1997 are entitled for tariff concession. As against the judgment dated 19.07.2005 in W.A. Nos. 1289 of 1999 etc., batch, Civil Appeal No. 3940 of 2008 etc., batch were filed before the Honourable Supreme Court. The Honourable Supreme Court, in the judgment dated 16.05.2008 made in Civil Appeal No. 3940 of 2008 etc., batch reported in (**Tamil Nadu Electricity Board and another vs. Status Spinning Mills Limited and another) 2008 5 MLJ 1267 (SC**), held that the eligibility of the individual consumers has to be examined in detail by the appropriate authority.

(ii) According to the petitioner, even before the appropriate authority could examine the claim of the individual consumer as per the decision of the Honourable Supreme Court, the Board issued a Circular dated 10.06.2008 interpreting the order passed by the Honourable Supreme Court and ordered that the tariff concession is eligible to those industries who had not only started commercial production before 14.02.1997 but also applied for service connection and were ready to avail the electrical concessions by depositing the amount and by obtaining the CEIG Certificate before 14.02.1997. Such a circular is contrary to the decision of the Honourable Supreme Court and therefore, the petitioner again filed WP No. 18178 of 2008 before this Court. By order dated 13.11.2008, this Court held that the consumer must have discharged his obligation in making an application for electricity supply and reach the stage of 9.05 guidelines of procedure for effecting high tension supply. If these two conditions are fulfilled, then the fact that there was a delay in fulfilling the obligation of the Board or getting a certificate from CEIG cannot be a relevant factor to deny tariff concession made by the petitioner. As against this order dated 13.11.2008, the Board filed W.A. No. 2436 of 2010 etc., batch. During the course of hearing, the Board withdrew the circular dated 10.06.2008 by admitting that it was issued contrary to the decision of the Honourable Supreme Court. Thereafter, the Division Bench, in the judgment dated 29.11.2013 referred to above, directed the respondent/Board to individually examine the eligibility of the petitioner and pass orders in accordance with law. Pursuant to such direction, the respondent issued the impugned order dated 17.06.2014 stating that the petitioner is not entitled to tariff concession and therefore, demanded the petitioner to pay Rs.1,51,02,770/- which represents Rs.39,69,624/- towards the concession already availed by the petitioner during 1997-2000 amd Rs.1,11,33,146/- towards belated payment surcharge @ 1.5%. Aggrieved by the order dated 17.06.2014, the petitioner has filed WP No. 18061 of 2014.

4. Mr. G. Masilamani, learned Senior counsel appearing for the petitioner in WP No. 18061 of 2014, Mr. Ar.L. Sundaresan, learned senior counsel appearing for petitioners in WP No. 18651 of 2014 etc., and Mr. Satish Parasaran appearing for some of the petitioners in WP No. 18011 of 2014 etc., as also the other learned counsel for the petitioners, would vehemently contend that the the petitioners have established their respective industries well before the cut off dated, namely, 14.02.1997. There are cases where electricity connection had not been provided owing to default on the part of the respondents although the petitioners have reminded the respondents

to effect power supply and also deposited the amount demanded in time. The petitioners have acquired a vested right to obtain the tariff concession on the basis of the notification dated 31.01.1995 issued by the Electricity Board. By the notification dated 31.01.1995, the petitioners were promised to grant concessional tariff. The notification was issued to grant such concession not only to those industries which were set up on or before 14.02.1997 but also to pre-existing industries. However, such a concession granted to the petitioners was rejected by the respective Superintending Engineers on an erroneous interpretation and refused to extend the concession to the petitioners stating that the concession could be extended not only to those industries which were set up before 14.02.1997 and started producing commercial production by using generators but those industries which have expressed their readiness to get the power supply. Such a stand taken up the respondents is on the basis of the Circular dated 10.06.2008 which was already withdrawn by the electricity Board itself during the pendency of writ appeals before this Court in W.A. No. 2436 of 2010 etc., batch. The word "set up" as has been interpreted by the Honourable Division Bench of this Court in W.A. No. 1289 of 1999 etc., batch dated 19.07.2005 and it would mean and include those industries which were either erected or established before the cut off date. If the industry is established and or set up by the respective petitioners prior to 14.02.1997, then they are entitled to the benefit of tariff concession even though electricity connection might have been given to them after 14.02.1997 owing to the inaction of the department in effecting service connection.

5. The learned counsel appearing for the petitioners relied on the decision of the Honourable Supreme Court rendered in the case of (**Tamil Nadu Electricity Board vs. Status Spinning Mills Limited and another) 2008 (5) MLJ 1267 (SC)** wherein in para No. 42, 43, 44, 51 and 52, it was held as follows:-

> "42. A statute, even a subordinate legislation, may have to be construed reasonably. A subordinate legislation ordinarily would not be given a retrospective effect. Retrospective effect can be granted only if there exists any power in that behalf. There is nothing to show that such a power has been conferred upon the State in terms of the Act. While saying so, we are not oblivious of the situation that the State has a statutory power to fix the tariff. It may also be true that when a statutory power is conferred, the State would have power to amend, alter, modify or rescind the same. The Court must also bear in mind that it may not cause undue hardship. What we mean to say that if construction of a statute is possible as a result of hardship is avoided, vis-`-vis, an undue hardship would be created, the court will prefer the former interpretation.
>
> 43. The proviso is an exception to the main clause whereas all industries which were set up on or after 15th February become wholly ineligible for any tariff concession but those who had set up prior thereto shall

continue to avail themselves of the said tariff concession. Legally, those who had not become consumer of electrical energy, but were the potential consumers, they had not only applied for it but they were and, in fact, some of them has also been gone into commercial production. Once they have set up the high tension industries and who had gone up for commercial production must be held to have set up the high tension industries. Once they have set up the high tension industries after 31st March, 1995, they became entitled to the benefit of concessional tariff for a period three years. Such concession was to be availed by them from the date of grant of service connection. If they had already been granted service connection, they would continue to avail themselves of the said tariff concession. However, the difficulty arises only in cases where despite applying for grant of electrical communication, actual service connection had not been granted. If a literal interpretation of the proviso is taken recourse to, the same may result in an anomaly in the sense that in one case, connection may be granted in one day and in another case, connection may not be granted for a long time. Because of the acts of discrimination on the part of the officers of the Board or the State, the entrepreneurs would suffer. It is in the aforementioned limited sense, the doctrine of promissory estoppel will have application. If doctrine of promissory estoppel applies, the right accrued in terms thereof cannot be withdrawn with a retrospective effect. [See Mahabir Vegetable Oils (P) Ltd. (supra) Southern Petrochemical Industries Co. Ltd. (supra)]

44. However, the difficult arises only in cases where despite applying for grant of electrical connection, actual service connection had not been granted. If a literal interpretation of the proviso is taken recourse to, the same may result in an anomaly in the sense that in one case, connection may be granted in one day and in another case, connection may not be granted for a long time. Because of the acts of discrimination on the part of the officers of the Board or the State, the entrepreneurs would suffer. It is in the aforementioned limited sense, the doctrine of promissory estoppel will have application. If doctrine of promissory estoppel applies, the right accrued in terms thereof cannot be withdrawn with a retrospective effect (*See. Mahabir Vegetable Oils (P) Ltd., and Souther Petrochemical Industries Co., Ltd.,)*

51. A distinction must be made between a policy decision and a statute. Whereas prima facie a policy decision may not have any retroactive operation, a statute may have. Only because it affects a past transaction the same, by itself, would not come in the way of the legislature in enacting an enactment or the executive government to exercise its power of

subordinate legislation.

52. We have noticed hereinbefore that some of the industries had even installed generators. They had to do it. They inevitably had to do it because the Board would not supply power. Would it not be too much to contend that even those industries have not been set up as they have not become consumers? We think that for the said purpose, the proviso has to be read down. It must be made applicable to them who not only had started commercial production before the said date, namely, 14.02.1997 but also had applied and were otherwise ready to take electrical connections having deposited the amount asked for.

6. Relying on this decision, the learned counsel for the petitioners would contend that the contention of the respondents that if an industry has to come within the purview of eligibility for tariff concession, it not only should have set up the industry but also should have started commercial production using generators is untenable. The Honourable Supreme Court, in the decision mentioned supra, has held that two classes of industries are eligible for tariff concession and they are (i) those who had commenced production by generators and (ii) those who have established the factory for production, applied for service connectionand are ready to receive the high tension electricity supply. The petitioners are well within the parameters laid down by the Honourable Supreme Court mentioned supra and therefore, the impugned orders are liable to be rejected. The stand taken by the respondents in the impugned order to reject the claim of the petitioner for tariff concession is verbatim the Circular dated 10.06.2008 which was already withdrawn by the Electricity Board itself. Therefore, the respondents are estopped from relying on the circular dated 10.06.2008 to reject the claim of the petitioners.

7. Yet another argument advanced on behalf of the petitioners is that the orders, which are impugned in these writ petitions, have not been passed by the respective Superintending Engineers on their own, rather, such orders have emanated and have been passed as instructed by the Chief Engineer of the Electricity Board. Therefore, it is contended that the respective Superintending Engineers have not applied their mind with reference to the eligibility of the petitioners case by case or examined the claim of the petitioners for getting tariff concession. The petitioners have also produced a circular dated 13.06.2014 issued by the Chief Engineer, Technical of the TANGEDCO which was ciruclated to all the Superintending Engineers in the State and it is only on the basis of such circular, the impugned orders have been passed. The impugned order is not the one passed by the respective Superintending Engineers, but it was dictated to them by the Chief Engineer of the Board. The impugned orders are verbatim and stereo-typed which would indicate that they were passed only on the basis of the direction of the Chief Engineer of the Electricity Board. Therefore, the impugned orders are vitiated and are liable to be set aside.

8. It is contended on behalf of the petitioners that the requirement to obtain CEIG certificate was not stipulated in the Government Order for extending the tariff concession rather, it was invented by the respondents/Electricity Board to reject the claim of the petitioners. Such a requirement to obtain CEIG certificate was never demanded by the respondents at the earliest point of time. Furthermore, the CEIG certificate has to be issued only by the Electricity Board after inspection. Therefore it cannot be a ground to reject the claim of the petitioners. Furthermore, the earlier circular dated 10.06.2008 has already been withdrawn, however, the respective Superintending Engineers have rejected the claim of the petitioners only on the basis of the said circular dated 10.06.2008.

9. The respondents filed counter affidavits resisting the relief sought for in these writ petitions. Relying on the counter affidavit, the learned Additional Advocate General would contend that the word "set up" appearing in the order passed in G.O. Ms. No.29, Energy Department dated 31.01.1995, in the context of granting tariff concession to high tension industries, has to be construed keeping in view the provisions of the statute operating in the field. Relying on the decision of the Honourable Supreme Court in Civil Appeal No. 3940 of 2008 dated 16.05.2008, particularly Para No.45, the learned Additional Advocate General would contend that the proviso must be made applicable to those who not only started commercial production before 14.02.1997 but also had applied and were otherwise ready to take electricity connections by depositing the amount. According to the learned Additional Advocate General, for availing the tariff concession, the consumer must satisfy both the aforesaid conditions conjointly and it is not sufficient that they fulfil any one of the conditions. According to the learned Additional Advocate General, some of the petitioners, during the course of personal hearing, have not even produced any documents to show that they have commenced production on a particular date, much less before the cut off date. Similarly, in most of the cases, the petitioners have not shown proof that they were ready to get the electricity service connection effected by making all the infrastructural amenities required for the same. Therefore, the petitioners are not entitled for extension of the tariff concession. The orders impugned in these writ petitions have been passed in accordance with the decision rendered by the Honourable Supreme Court of India.

10. The learned Additional Advocate General produced the details of the date of submission of application etc., which are reproduced hereunder.

WP Nos. 17279, 17967, 17980, 17981, 18011 and 18012 of 2014

WP No.	17279	17967	17980	17981	18011	18012
Date of commencement of commercial production	14.06.97	19.01.98	Not before 14.02.97	Not before 14.02.97 (admittedly)	23.07.97	No evidence produced
Regn. of Appln	18.01.95	28.04.95	17.09.94	07.11.95	28.12.95	29.04.95
Dt. of readiness	23.04.96	21.09.96	05.02.97	18.10.96	11.07.97	27.11.95
Emd paid on	29.06.95	22.09.95	20.01.95	24.04.96	18.12.96	24.06.95
Dev & SC charges paid on	09.10.96	21.11.96	08.07.97	27.01.97	17.12.97	16.10.96
MCD	09.10.96	21.11.96	08.07.97	05.03.97	17.12.97	16.10.96
Cond.I satisfied	No	No	No	No	No	No
Cond.I satisfied	No	Yes	No	No	No	Yes
Eligibility Yes/No	No	No	No	No	No	No

WP Nos. 18109, 18130, 18061, 18357, 18358 and 18359 of 2014

WP No.	18109	18130	18061	18357	18358	18359
Date of commencement of commercial production	25.12.98	10.03.97	12.02.97, but as per records 10.04.97	20.11.97	No records produced as proof	No records produced as proof
Regn. of Appln	20.05.95	15.09.95	24.04.95	23.12.94	29.04.95	06.02.97
Dt. of readiness	06.11.95	19.09.96	25.03.97	11.03.97	16.09.98	28.03.98
Emd paid on	26.10.95	04.03.96	06.06.96	18.12.96	22.02.96	03.09.97
Dev & SC charges paid on	18.05.96	09.12.96	06.06.96	16.04.97	15.05.99	24.03.98
MCD	18.05.96	09.12.96	06.06.96	16.04.97	05.07.99	24.03.98
Cond.I satisfied	No	No	No	No	No	No
Cond.I satisfied	Yes	Yes	No	No	No	No
Eligibility Yes/No	No	No	No	No	No	No

WP Nos. 18360, 18651, 18652, 18653, 18654 and 18655 of 2014

WP No.	18360	18651	18652	18653	18654	18655
Date of commencement of commercial production	No records produced as proof	No records produced as proof	No records produced as proof	No records produced as proof	No records produced as proof	--
Regn. of Appln	01.08.96	20.07.95	26.10.94	20.06.95	06.02.95	--
Dt. of readiness	11.12.97	16.12.96	12.03.97	11.02.97	28.08.97	--
Emd paid on	08.01.97	15.04.96	22.01.96	04.03.96	06.05.96	--
Dev & SC charges paid on	05.03.98	15.04.96	23.08.97	04.03.96	06.10.97	--
MCD	05.03.98	15.04.96	23.08.97	31.07.97	06.10.97	----
Cond.I satisfied	No	No	No	No	No	--
Cond.I satisfied	No	Yes	No	No	No	--
Eligibility Yes/No	No	No	No	No	No	--

WP Nos. 18708, 18808, 18900, 18903, 19137 and 20139, of 2014

WP No.	***18708***	***18808***	***18900***	***18903***	***19137***	***20139***
Date of commencement of commercial production	No records produced as proof	No records produced as proof	No records produced as proof	30.12.96	16.07.98	01.09.96
Regn. of Appln	10.04.95	12.07.95	10.04.95	13.11.95	18.10.96	22.11.95
Dt. of readiness	03.02.97	20.03.97	06.09.96	26.08.96	10.11.97	09.04.97
Emd paid on	24.05.96	11.03.96	06.09.95	14.06.96	03.04.97	24.05.96
Dev & SC charges paid on	24.05.96	11.03.96	16.12.96	16.12.96	27.08.99	05.03.97
MCD	30.05.96	04.08.97	16.12.96	16.12.96	27.08.99	05.03.97
Cond.I satisfied	No	No	No	No	No	Yes
Cond.I satisfied	Yes	No	Yes	Yes	No	No
Eligibility Yes/No	No	No	No	No	No	No

WP No.	20255	20256	20412	20973	22931	22932
Date of commencement of commercial production	06.12.98	31.03.97	25.06.97	07.07.97	03.01.2002	05.05.97
Regn. of Appln	03.09.95	17.02.995	20.09.95	25.05.95	05.01.96	03.05.95
Dt. of readiness	22.05.98	05.08.96	01.07.96	03.04.97	24.01.97	25.11.96
Emd paid on	25.04.95/ 25.05.96	01.08.96	03.04.96	20.02.96	30.04.96	27.07.95
Dev & SC charges paid on	22.03.99	24.01.97	18.12.96	07.10.97	29.11.96	02.03.96
MCD	22.03.99	24.01.97	18.12.96	07.10.97	29.11.96	02.03.96
Cond.I satisfied	No	No	No	No	No	No
Cond.I satisfied	Yes	Yes	Yes	No	Yes	Yes
Eligibility Yes/No	No	No	No	No	No	No

11. The respondents have not furnished the details with regard to the petitioners in WP Nos. 18655, 21242 and 22295 of 2014.

12. Relying on the aforesaid tabulated statement, the learned Additional Advocate General would contend that inasmuch as the petitioners have not fulfilled the twin conditions required for extending the tariff concession in their favour, conjointly, the respective Superintending Engineers have rightly rejected their claim.

13. The learned Additional Advocate General further submitted that the orders, which are impugned in these writ petitions, have been passed by the respective Superintending Engineers after affording an opportunity of hearing to the respective petitioners. During the course of such hearing, the documents produced by the petitioners were carefully analysed along with the records maintained by the office of the Superintending Engineers and only thereafter, the orders of rejection came to be passed. Therefore, it is not correct on the part of the petitioners to contend that the orders, which are impugned in these writ petitions, have been passed only as per the directions issued by the Chief Engineer of the Board. The circular issued by the Chief Engineer was only taken into account as a guide line and it was not the basis for passing the orders of rejection. The impugned orders have been passed strictly in accordance with the directions issued by the Honourable Supreme Court and therefore, he prayed for dismissal of the writ petitions.

14 I heard Mr. G. Masilamani, learned senior counsel appearing for the petitioner in WP No. 18061 of 2014, Mr. Ar.L. Sundaresan, learned senior counsel appearing for the petitioner in WP Nos. 18651-18655 etc., 2014, Mr. Satish Parasaran, learned counsel appearing for the petitioners in WP Nos. 18011 etc., of 2014 and the other respective learned counsel appearing for the petitioners.

15. It is seen from the records that the Government issued G.O. Ms. No.29, Energy Department dated 31.01.1995 by which it ordered to grant tariff concession to new High Tension industries to be set up in the areas other than Madras Metropolitan area for the first three years from the date of effecting service connection. Subsequently, another notification was issued in G.O. Ms. No.17, Energy Department dated 14.02.1997 stating that new high tension industries set up in any area on or after 15th February 1997 shall not be eligible for such concession. According to the petitioners, they have set up the industries in anticipation of getting power tariff concession within the cut off date, however, the respondents, on an erroneous application of law, rejected their claim for such tariff. The learned counsel for the petitioners also disputed the tabulated statement produced by the respondents to reject their claim.

16. Before proceeding to examine the rival contentions, it would be necessary to re-produce the relevant portion of the order dated 29.11.2013 passed by the Division Bench of this Court in W.A. Nos. 2436 of 2010 etc., batch, which reads as follows:-

> "7. We have considered the said submissions. The point in issue is as to whether the parties are bound by the judgment of the Supreme Court referred to above, particularly, paragraphs 52 and 53. In most of the cases, individual orders have not been passed by the concerned authority of the Board deciding the matter one way or other and in some cases, separate orders have been passed, by applying the circular dated 10.06.2008, which was found illegal by the learned single Judge, and the same is also withdrawn today before this Court as per the submissions made by the learned Additional Advocate General.
>
> 8. In the light of the said submission, such individual orders are set aside and we direct the concerned authority of the appellant-Board to call the individual industries who had litigated before the Honourable Supreme Court and who are litigating before this Court to consider the individual claims for tariff concession, and after affording opportunity to the individual industries to adduce documentary proof to sustain their claim, pass appropriate orders strictly in accordance with the directions issued by the Honourable Supreme Court in the judgment referred to above, within a period of three months from the date of receipt of a copy of this order. If any rejection orders are to be passed by the concerned authority of the Board affecting the rights of the industry/industries, we are of the view that opportunity of hearing should be extended to the individual industries by the concerned authority to

substantiate their claim. It is also made clear that neither the stand taken in the counter affidavit nor in these writ appeals shall be relied on by the concerned authority of the Board while taking a decision as directed above and the concerned authority is directed to follow strictly the directions issued by the Honourable Supreme Court. It is also needless to state that if the order of the learned single Judge is complied with and implemented in any of the matters, the said order will stand good. The writ appeals are disposed of with the aforesaid observations and directions."

17. It is evident from the decision of the Division Bench of this Court that a direction was issued to the respondents to afford adequate opportunity to the petitioners to produce documentary evidence in support of their claim and thereafter to pass appropriate orders. Pursuant to this order, the respective Superintending Engineers have passed the orders of rejection, which are challenged in these writ petitions.

18. It is the contention of the petitioners that they have set up the industry much before the cut off date viz., 14.02.1997 and inspite of producing evidences to that effect, the respondents have rejected their claim. In this context, it would be necessary to examine the correctness of such claim made by the petitioners. Take for example, in WP No. 18061 of 2014, the petitioner applied for supply of electricity on 05.12.1995 but it was not processed immediately. The petitioner therefore sent reminders on 23.12.1995, 30.01.1996 and 20.02.1996 requesting the respondents to process their application for effecting power supply. On 26.02.1996, a feasibility report was given to the petitioner company after inspection, but thereafter, there was no action taken, which necessiated the petitioner to send a letter dated 20.03.1996, requesting them to accord approval for supply of electricity in time. Subsequently, on 05.04.1996, the petitioner was called upon to remit the EMD charges to the tune of Rs.5,10,000/- which they remitted on 22.04.1996. Even thereafter, the respondents did not effect the service connection. On 11.02.1997, the petitioner also sent a letter intimating their readiness to the respondent to get the high tension service connection as they have completed all the civil and electrical works for obtaining service connection. On 13.02.1997, an inspection was conducted by the officials of the Electricity Board and confirmed the preparedness of the petitioner to take the electricity service connection. On 03.03.1997, the petitioner was directed to pay Rs.5,18,440/- towards development charges, service connection charges and meter caution deposit, which was remitted on 07.03.1997. However, only on 18.06.1997, power supply was effected to the petitioner company. Therefore, it is evident that the petitioner was all along ready to take the electricity service connection and complied with all the formalities before the cut off date. The delay in effecting power supply can therefore only be attributed on the part of the respondents/electricity board. Therefore, definitely, the

petitioner in this writ petition would come within the purview of eligibility to get the tariff concession.

19. With this background, let me analyse as to whether the petitioners are entitled to get the tariff concession in their favour or not. As mentioned above, the Government issued GO Ms. No.29, Energy Department dated 31.01.1995 by which a policy decision was taken to grant tariff concession to the industries which avail high tension electricity service connection from the respondents electricity board by setting up an industry. It was ordered therein that such tariff concession would be extended to them for the first three years from the date of availing the high tension service connection. Subsequently, another notification was issued in G.O. Ms. No.17, Energy Department dated 14.02.1997 clarifying that such concession could be granted only to those who have set up industries on or before 14.02.1997 alone. The validity of the said Government Order confining the period for extending the tariff concession was not questioned by the petitioners. The petitioners only contend that they have established their industries even before the cut off date and therefore they are entitled to such concession. Therefore, if the petitioners have established or set up their industries on or before 14.02.1997, they are eligible for tariff concession and those who have set up after 15.02.1997 could not be extended with such concession.

20. The Honourable Supreme Court in connected batch of cases passed a judgment in the case of (**Tamil Nadu Electricity Board and another vs. Status Spinning Mills Limited and another)** reported in **(2008) 5 MLJ 1267 (SC)** wherein in para No.42 and 45, it was specifically held that such concession would be applicable not only to those who had started commercial production before 14.02.1997, but also had applied and were otherwise ready to take electrical connections having deposited the amount demanded by the electricity board. It is contended on behalf of the petitioners that by virtue of the judgment of the Honourable Supreme Court, they are entitled to the tariff concession especially when they have set up the industries before the cut off date viz., 14.02.1997. It is evident from the interpretation given by the Honourable Supreme Court that the tariff concession can be extended to those who commenced commercial production before 14.02.1997 and also to those who have applied and were otherwise ready to take electrical connections before the said date. In other words, even those who have applied for service connection and are ready to avail the service connection, but not started the commercial production are also eligible to get tariff concession. Thus, the Honourable Supreme Court had interpreted the word "set up" in such a way that the benefit of tariff concession has to be extended for the best use of the consumers who have set up the industry in anticipation of the tariff concession.

21. According to the learned counsel appearing for the petitioners, if any one of the two conditions, as interpreted by the Honourable Supreme Court are fulfilled, then the petitioners are eligible for extending the tariff concession. However, it is

contended on behalf of the respondents that unless both the conditions are fulfilled namely setting up the industry and commencing commercial production within the cut off date, the petitioners are not eligible to the tariff concession.

22. For determining the eligibility of the petitioners, the word "set up" indicated in the Government Order requires to be interpreted. The word "set up" has to be liberally and harmoniously interpreted in the best interest of the consumers. I have carefully perused the pleadings made by the petitioners in each and every case. In some cases, the petitioners have set up the industry and commenced commercial production, either by availing electricity service connection from the respondents or by using generators. In some other cases, even though the petitioners have applied for setting up the industry and are ready to take the service connection by remitting the amount demanded by the Board, they were not provided with service connection due to the delay, which is largely attributable on the part of the respondents. If a person sets up industry and unable to get the service connection from the Board, however commenced commercial production by using generators in anticipation of getting tariff concession, he should not be excluded from extending the tariff concession. As mentioned above, in some cases, the application of the petitioners have not been processed at all for a considerable length of time. They were given the electricity service connection after the cut off date by the respondents Board. In such event, such consumers cannot be penalised for the inaction on the part of the respondents in effecting electricity supply before the cut off date. Therefore the contention of the respondents that the consumers did not commence commercial production before the cut off date and they are not eligible for tariff concession cannot be countenanced. It has to be seen whether the consumer did not commence production owing to the delay attributable on his part or the delay is on the part of the Board in effecting service connection. This is more so that this was not the intention of the Government in taking a policy decision to extend tariff concession. Had it been the intention of the Government, it could have excluded those who have not obtained power connection before 15.02.1997 by specifically stating that the concession would be extended only to those who have commenced commercial production before the cut off date. It was merely stated that those who have set up the industries are entitled for the tariff concession, meaning thereby, those who have applied and are ready to take up the service connection are also entitled for the concession. This alone would be the criteria for extending the tariff concession and the word "set up" has to be interpreted only in this way. Such consumers who were ready to take up the service connection by keeping intact all the infrastructural amenities can only be construed as pre-existing industries. By virtue of this position, the petitioner, who had sets up a new industry with the electricity supply to be provided by the respondents, acquires a vested right. Admittedly, some of the petitioners have applied before the cut off date and were anticipating to get power supply effected by the respondents by providing all the infrastructural facilities required for the same. In other words, some of the

petitioners were ready to take the service connection that may be provided by the respondents. The anticipation of the petitioners in setting up industry by investing huge amount towards recruitting men, machineries, fixtures and other infrastructural amenities, on the basis of the concession announced by the government to extend power tariff, is a legitimate expectation which cannot be ignored by the respondents.

23. As regards the impugned orders, the respective Superintending Engineers did not take note of the delay on the part of the department in effecting the service connection but merely rejected the claim of the petitioners. In other words, it was not specifically stated as to whether the delay in getting service connection is on the part of the petitioners or not. It was also not specifically stated as to whether the individual consumer/petitioner has applied for setting up the industry in time, provided necessary infrastructural amenities to take the service connection, remitted the amount required for effecting service connection etc., As regards remittance of amount towards development charges/meter charges, unless the respondents demand the petitioner to remit it before the cut off date, they will not be in a position to do so. Therefore, the respondents ought to have stated in the impugned order that inspite of demands made by them, the petitioner has failed and neglected to remit the amount. In the absence of indicating any such specific date on which the amount was demanded by the respondents and the date on which the amount was paid by the petitioner, the impugned orders are vitiated.

24. The next ground of attack made on behalf of the petitioners is that the impugned orders have been passed by the respective Superintending Engineers not on their own but as per the dictum of the Chief Engineer of the Board. In order to fortify this submission, the petitioners relied on a proceedings dated 13.06.2014 of the Chief Engineer, Commercial, Tamil Nadu Generation and Distribution Corporation Limited, Technical Branch, Chennai. The contents of the memo dated 13.06.2014 is extracted hereunder:-

> "In compliance of the Honourable High Court order dated 29.11.2013 and after careful examination of the documents put forth along with the detailed report by the Superintending Engineer/Virudhunagar EDC, it is informed that HT SC No.175, M/s. Vindhya Spinners (P) Ltd., Virudhunagar EDC is not eligible for tariff concession in terms of G.O. Ms. No.29, Energy Department dated 31.01.1995 read with G.O. Ms. No.17, Energy Department dated 14.02.1997 and as per paragraphs 44 and 45 of the common order, dated 16.05.2008 of the Honourable Supreme Court in Civil Appeal No. 3940 of 2008 and etc., batch.
>
> Hence, the Superintending Engineer/Virudhunagar EDC is requested to issue the order of rejection to the consumer as enclosed along with the annexure showing the month wise split up details of the amount payable by the consumer forthwith and take all further course of action as per the order of rejection. (*emphasis supplied*)

However, before issuing the orders of rejection, the correctness of the particulars should be verified and ensured at your end once again. The action taken in this regard may be reported to this office early.

25. It is evident from the proceedings dated 13.06.2014 of the Chief Engineer, Commercial, TANGEDCO that he himself has concluded that the consumer is not entitled for tariff concession and directed the respective Superintending Engineers to pass an order of rejection. By virtue of the said proceedings dated 13.06.2014, the concerned Superintending Engineers, who passed the impugned orders, have no scope to consider the claim of the petitioners individually. Of course, the respective Superintending Engineers have given an opportunity of hearing to the individual consumers only to comply with an empty formality. Even during the personal hearing, though the petitioners produced documentary evidence to substantiate their claim, they were never considered at all by the respective Superintending Engineers before passing the orders of rejection. In fact, the impugned orders of rejeciton have been passed in a format as prescribed by the Chief Engineer in his proceedings dated 13.06.2014. Therefore, it is evident that there is total non-application of mind on the part of the respective Superintending Engineers, who passed the impugned orders of rejection, towards the claim made by the petitioners. The impugned orders have been mechanically passed on the instructions given by the Chief Engineer of the Board. Such orders cannot be said to be in consonance with the directive issued by the Division Bench of this Court in the judgment dated 29.11.2013 in WA Nos. 2436 of 2010. Therefore, on this ground also, the impugned orders of rejection are liable to be set aside.

26. The next point arise for consideration is whether the petitioners are required to produce CEIG Certificate as a condition precedent for extension of tariff concession in their favour. Here again, the CEIG certificate has to be furnished only by the Electricity Department after inspection of the industry to enable the consumer to commence production. It is contended that there is no delay on the part of the petitioner to commence production and it is the department which delayed the issuance of such certificate by taking its own time. It was also not insisted by the Government when originally the tariff concession was announced. In any event, furnishing of CEIG certificate cannot be a criteria to reject the claim of the petitioner for extension of tariff concession in their favour.

27. Taking into consideration the above and having regard to the fact that the claim of the petitioners for extension of tariff concession has been litigated for several years and the matter also went upto the Honourable Supreme Court and before the Division Bench of this Court twice, at this stage, I am not inclined to remit the matter to the respondents for re-consideration of the claim made by the petitioners. Rather, this Court is of the view that the entitlement and eligibility of the petitioners to get tariff concession can be adjudicated on the basis of the records made

available before this Court.

28. In this connection, the learned Additional Advocate General as also the counsel for the petiioners have produced a tabulated statement furnishing the particulars with regard to the date of filing of application for setting up the industry, date on which caution deposit was remitted and the date on which high tension electricity power supply was effected in some case has been furnished. On the basis of the same, it has to be seen whether the petitioners are entitled for the relief prayed for in these writ petitions.

29. Before proceeding further, a moot point arise for consideration in this case which needs to be answered. As I have already come to a conclusion that the impugned orders passed by the respective Superintending Engineers are without application of mind and are violative of the principles of natural justice, still, whether this Court can dismiss some of the writ petitions, on independent assessment, that they are not entitled for tariff concession. In this context, it has to be stated that the petitioners are making claim for tariff concession before the respondents Board from 1997 and it was not resolved till date. The Petitioners as well as the respondents have filed cases one after the other, before the Division Bench of this Court as well as the Honourable Supreme Court. The directions issued by this Court as well as the Honourable Supreme Court has not been complied with by the respondents in letter and spirit. In those circumstances, it has become necessary for this Court to individually assess the entitlement of the petitioner to get the tariff concession with reference to the cut off date fixed by the respondents themselves. If, on an assessment, this Court comes to the conclusion that the writ petitioner is not entitled for tariff concession, notwithstanding the fact that the impugned orders have been passed by the Superintending Engineer without application of mind, this Court is legally justifiable in dismissing the writ petition. At the same time, if it is found that the petitioners are entitled for tariff concession, in such event, this Court is bound to extend the relief prayed for. Witht his background, let me now assess the pleadings in each of the writ petitions *interalia* to decide the eligibility of the petitioners.

(i) Writ Petition No. 17279 of 2014 - The petitioner applied for supply of electricity and on 26.04.1995, the second respondent sanctioned the supply of electricity supply. On 09.10.1996, the petitioner remitted the amount by means of demand draft. On 22.04.1996, the petitioner informed the Board that they are ready to avail the power supply. On 09.10.1996, the petitioner remitted further amount. On 17.01.1997, the petitioner entered into an agreement with the respondents. Therefore, it is evident that the petitioner complied with all the formalities and expressed their readiness even on 22.04.1996. In such circumstance, the petitioner is bound to succeed.

(ii) Writ Petition No. 17967 of 2014 - The petiitoner applied for sanction of 500 KVA HT power on 29.04.1995 and on 22.09.1995, they have paid the EMD charges. On 21.09.1996 itself, the petitioner intimated their readiness to the respondents to get the power supply. However, only on 03.12.1997, the electricity service connection was effected to the premises of the petitioner. Above all, on 30.04.2014, the Superintending Engineer has recommended the claim of the petitioner for granting tariff concession. However, by virtue of the proceedings dated 31.05.2014 of the Chief Engineer, the claim of the petitioner was rejected by the very same Superintending Engineer on 06.06.2014. Therefore, this is a fittest case where the petitioner has to succeed.

(iii) Writ Petition No. 17980 of 2014 - The petitioner applied for effecting high tension electricity supply on 12.09.1994 and on 09.12.1994, the Superintending Engineer intimated the sanctioning of the load. On 20.01.1995, the petiitoner paid the earnest money deposit. On 05.02.1997, the petitioner expressed their readiness to avail the electricity supply as they have installed all the machineries. According to the respondents, an inspection was carried out to ensure the rediness of the petitioner to get the supply effected. During inspection, it was found that the machineries were under despatch even as on 03.03.1997. The respondents, thereafter, issued a supply availability notice on 08.12.1998, but the petitioner, by letter dated 08.03.1999 stated that the machineries were under erection and they were not at all ready to avail supply on 08.03.1999. Therefore even as per the letter dated 08.03.1999 of the petitioner, the petitioner was not in a position to get the supply effected. Even as per the affidavit of the petitioner, only on 06.09.1999, high tension power supply was effected by the respondents. In such circumstances, the petitioner is not entitled for the relief prayed for in this writ petition.

(iv) Writ Petition No. 17981 of 2014 - The petitioner stated that they have applied for high tension electricity supply on 16.10.1995 and on 24.04.1996, the Board sanctioned the load. On 24.04.1996, the petitioner paid the earnest money deposit. On 18.10.1996, it is claimed that the petitioner expressed their readiness to get the power supply effected. Thereafter, on 03.02.1997, the petitioner sent a reminder to the respondents and reiterated that they were ready to take the power supply. However, only on 31.03.1997, power supply was effected to the premises of the petitioner much after the cut off date. Therefore, when the petitioner has complied with the requirements and expressed their readiness much before the cut off date, it could only be stated that the delay is on the part of the respondents in effecting power supply. Therefore, I am of the view that the petitioner must be granted the tariff concession by the respondents.

(v) Writ Petition No. 18011 of 2014 - Even as per the typed set of papers filed by the petitioner, on 06.09.1996, the respondent sanctioned the demand for supply of 500 KVA. In the letter dated 06.09.1996 itself, it was specifically mentioned that "*the supply* *will be effected only after completing the link line work for Papambadi feeder and carrying out certain improvements in the feeder"*. Thus, according the petitioner, there is a clear admission on the part of the respondents for the delay in completion of the work on their part. Further, the petitioner remitted the earnest money deposit on 18.12.1996. Subsequently, the building approval was given on 31.12.1996 by the Town and Country Planning Department and the inspection of the building was carried out by the Chartered Engineer on 01.12.1997 and a stability certificate for the building was issued. According to the petitioner, even in the counter filed before this Court, there is no dispute about the aforesaid facts. Further, the petitioner, by letter dated 11.07.1997 intimated their readiness to avail High tension supply, however, the respondents effected such supply only on 25.03.1998 after considerable length of delay. In the above facts and circumstance, I am of the view that there is a delay on the part of the department in effecting supply. The department has not assigned any reason for the delay. What is now contended by the respondents is that the petitioner was not ready before the cut off date. When the petitioner remitted the amount immediately on being intimated, the respondents, by their letter dated 06.09.1996 had expressed that the supply will be effected after completing the link line work etc., the petitioner is eligible and entitled for the relief sought for in this writ petition, since the delay is on the part of the respondents/department.

(vi) <u>Writ Petition No. 18012 of 2014</u> - This case is similar to WP No. 17967 of 2014. In this case also, the petitioner applied for supply of electricity on 29.04.1995 and they were sanctioned with the HT supply on 19.06.1995. The petitioner remitted the EMD charges on 23.06.1995. On 30.10.1996, an agreement came to be executed between the petitioner and the respondent board for supply of electricity energy. Here also, the Superintending Engineer recommended the claim of the petitioner to get tariff concession by a letter dated 30.04.2014. However, on the basis of the proceedings dated 31.05.2014 of the Chief Engineer, the very same Superintending Engineer rejected the claim of the petitioner by the impugned order dated 23.06.2014. Therefore, I am of the view that the petitioner is entitled to the relief sought for in this writ petition.

(vii) <u>Writ Petition No. 18061 of 2014</u> - The petitioner company applied for effecting electricity service connection on 05.12.1995, however, such application was not processed by the Electricity Board. The petitioner therefore sent reminders on 23.12.1995, 30.01.1996 and 20.02.1996 requesting the respondents to process their application for effecting power supply. On 26.02.1996, a feasibility report was given to the petitioner company after inspection. On 20.03.1996, the petitioner sent a letter requesting the respondents to accord approval for supply of electricity in time. Thereafter, on 05.04.1996, the petitioner was called upon to remit the EMD charges to the tune of Rs.5,10,000/- which the petitioner remitted on 22.04.1996. After such deposit, the respondents did not effect the service connection which necessiated the petitioner to send yet another reminder on 14.11.1996. On 11.02.1997, the petitioner sent a letter of readiness to the respondents to get the high tension service connection inasmuch as all the civil and electrical works required for obtaining such service connection were made ready. On 13.02.1997, an inspection was conducted by the officials of the Electricity Board and confirmed the preparedness of the petitioner to take the electricity service connection. Thus, the petitioner company was ready to get the power supply even before the cut off date viz., 14.02.1997. However, on 03.03.1997, after the inspection, the petitioner was directed to pay Rs.5,18,440/- towards development charges, service connection charges and meter caution deposit, which was also paid by the petitioner on 07.03.1997. Thereafter, only on 18.06.1997, power supply was effected to the petitioner company. Thus, the petitioner complied with all the requisite formalities and were ready to take electricity supply much before the cut off date. This case was also discussed in detail in the earlier paragraphs as a test case. The petitioner is therefore bound to succeed in this writ petition.

(viii) Writ Petition No. 18109 of 2014 - The petitioner submitted an application dated 28.04.1995 for supply of electrical energy which was sanctioned by the respondents by a letter dated 18.07.1995. On 29.10.1995, the petitioner remitted the earnest money deposit. On 28.05.1996, an agreement was entered into between the petitioner and the respondents. On 04.11.1996, the petitioner expressed their readiness to avail the power supply. When the petitioner has expressed their readiness much before the cut off date by complying with the formalities, the petitioner is bound to succeed.

(ix) Writ Petition No. 18130 of 2014- The petitioner submitted application dated 06.09.1995 for effecting 1600 KVA high tension electricity connection. On 07.12.1995, the Superintending Engineer sanctioned the request for supplying the electricity load. On 04.03.1996, the petitioner remitted the earnest money deposit. On 19.09.1996, the petitioner informed the Board that they are ready to get the supply effected. On 07.12.1996, the petitioner paid the development charges and service connection charges. On 17.12.1996, an agreement was executed between the petitioner and the Board for supply of electricity. However, only by letter dated 04.02.197, the Chief Electrical Inspector demanded the petitioner to pay a sum of Rs.4,000/- towards inspection charges. On 24.02.1997 and 25.02.1997, inspection was conducted. On 28.02.1997, the petitioner was issued with the CEIG certificate and permitted them to commission the plant. Ultimately, only on 10.03.1997, power supply was effected to the petitioner. Therefore, it is evident that the petitioner was ready to supply commercial production by complying with all the due formalities, but it was delayed by the respondents. Therefore, the petitioner is bound to succeed in this writ petition.

(x) Writ Petition No. 18357 of 2014 - On 23.12.1994, the petitioner submitted an application for availing high tension electricity supply, which was sanctioned by the respondents by a letter dated 19.06.1995. On 12.01.1996, the petitioner remitted the earnest money deposit. By communications dated 13.01.1997 and 09.02.1997, the petitioner expressed their readiness to avail the electricity supply. According to the respondents, the department extended time for compliance on four occasion. Lastly, time was extended for 60 days by a communication dated 13.02.1997. However, due to delay on the part of the respondents, power supply was effected only on 20.11.1997. When the petitioner expressed their readiness to avail the power supply much before the cut off date, they are bound to succeed in this writ petition.

(xi) <u>Writ Petition No. 18358 of 2014</u>:- It is stated that the petitoner submitted an application seeking to avail high tension power supply on 29.04.1995, which was sanctioned by the respondents by letter dated 26.12.1995. On 22.02.1996, the petitioner remitted the earnest money deposit. It is contended on behalf of the department that the petitioner was requested to report readiness even on 26.12.1995, but they have availed extension of time on five occasion. Ultimately, only 03.03.1998, they sought for last such extension and only on 28.03.1998, they reported readiness. On 16.09.1998, they have expressed their readiness to avail the electricity supply. Thereafter, only on 15.05.1999, they have remitted the development charges. On such payment, power supply was effected only on 18.06.1999. The delay is therefore on the part of the petitioner in complying with the requirements to avail the tariff concession. Therefore, I hold that the petitioner is not entitled to the relief sought for in this writ petition.

(xii) <u>Writ Petition No. 18359 of 2014</u> - Even as admitted by the petitioner in the affidavit filed in support of the writ petition, the petitioner has submitted the application for sanction of electricity power supply only on 31.01.1997 i.e., two weeks before the cut off date on 14.02.1997. The said application was received by the respondents only on 06.02.1997. Therefore, it could not be said that the petitioner will come under the purview of the tariff concession. Therefore, the petitioner is not entitled for the relief sought for in this writ petition. The writ petition deserves to be dismissed.

(xiii) <u>Writ Petition No. 18360 of 2014</u>:- The petitioner submitted an application for obtaining electricity supply on 01.08.1996, which was sanctioned by the respondents on 05.01.1997. On 08.01.1997, the petitioner remitted the earnest money deposit. The petitioner expressed their readiness on 11.12.1997 much after the cut off date. The development charges, meter caution deposit etc., were paid only on 05.03.1998 and therefore the petitioner is not entitled to tariff concession. When the petitioner themselves have expressed their readiness only on 11.12.1997 after the cut off date coupled with the fact that they remitted the development charges etc., on 05.03.1998, the respondents are justified in rejecting the claim of the petitioner for tariff concession. Therefore, the delay is attributable on the part of the petitioner and consequently, the writ petition is liable to be dismissed.

(xiv) Writ Petition No. 18651 of 2014:- The petitioner applied for supply of electricity power supply on 12.06.1995, which was sanctioned on 01.03.1996. On 15.04.1996, the petitioner remitted the earnest money deposit. On 10.09.1996, the petitioner expressed their readiness to avail the power supply. The date on which the petitioner expressed their readiness is disputed by the respondents. However, even according to the respondents, readiness was expressed by the readiness only on 16.12.1996 i.e., much before the cut off date. It was also stated by the respondents that the petitioner did not commence commercial production before the cut off date. The fact remains that there was delay in effecting power supply by the respondents. In fact, the petitioner installed generators and commenced the commercial production. This is evident that the delay is only on the part of the respondents in effecting power supply and the petitioner cannot be penalised. The petitioner is therefore entitled for the relief prayed for in this writ petition.

(xv) Writ Petition No. 18652 of 2014 - The petitioner applied for supply of electricity on 24.10.1994, which was sanctioned on 16.10.1995. On 22.01.1996, the petitioner remitted the earnest money deposit. On 20.01.1997, the petitioner expressed their readiness to avail the power supply. However, it is stated by the petitioner in para-7 of the affidavit that they have remitted the developmental charges as demanded by the respondents on 23.08.1997. However, according to the respondents, it is stated that the delay is on the part of the petitioner. The department advised the petitioner to report their readiness on 02.11.1995 itself, but the petitioner sought time by six months as per their letter dated 20.05.1996. This letter dated 20.05.1996 was not pleaded or filed in the typed set of papers. Thereafter, the petitioner sought another four months time, as per their letter dated 09.11.1997 to report readiness. In this letter dated 09.11.1997 it was stated that the civil works were yet to be completed and machineries were not ordered. On 13.03.1997 i.e., after the cut off date, the petitioner sent another letter stating that they are ready, however the machineries have not been installed. Therefore, it is clear that it is the petitioner who has sought for extension of time. Even though the petitioner applied for setting up the industry before the cut off date, they were not ready to avail the electricity service connection by installing the required machinery. Therefore, the delay is on the part of the petitioner and it cannot be attributable on the part of the department. In such circumstance, the petitioner is not entitled for the tariff concession. The writ petition deserves to be dismissed.

(xvi) Writ Petition No. 18653 of 2014:- The petitioner submitted an application for supply of high tension electricity energy on 02.06.1995 which was sanctioned by the respondents on 20.02.1996. The petitioner remitted the earnest money deposit on 04.03.1996. On 11.02.1997, the petitioner expressed their readiness to avail the service connection. Even though the respondents contended that extension of time was granted to the petitioner as per their request, they have admitted that even on 11.02.1997, the petitioner expressed their readiness. However, only on 20.10.1997, the respondents effected power supply. Therefore, it is clear that the delay is on the part of the respondents and consequently, the petitioner is bound to succeed.

(xvii) Writ Petition No. 18654 of 2014:- The petitioner submitted an application for supply of high tension electricity energy on 06.02.1995 which was sanctioned by the respondents on 08.02.1996. The petitioner remitted the earnest money deposit on 06.05.1996. The respondents merely contended that extension of time was granted to the petitioner on six occasion on their request. It is also contended that the petitioner expressed their readiness only on 28.08.1997. It is also contended that the development and other charges were remitted by the petitioner only on 06.10.1997, much after the cut off date. The fact remains that the respondents themselves called upon the petitioner to remit the development charges only on 06.10.1997 and immediately it was remitted by the petitioner. However, only on 12.12.1997, the respondents effected power supply. Therefore, it is clear that the delay is on the part of the respondents and consequently, the petitioner is bound to succeed.

(xviii) Writ Petition No. 18655 of 2014:- The petitioner submitted an application for supply of electricity on 03.04.1995, which was sanctioned by the respondents on 01.06.1996. The petitioner remitted the earnest money deposit on 06.06.1996. It is not known as to when the petitioner expressed their readiness as the affidavit is silent about it. The respondents also did not furnish the tabulated statement in respect of this petitioner. However, according to the petitioner, only on 10.08.1997, the respondents effected power supply. Therefore, it is clear that there is considerable delay is on the part of the respondents/electricity board in effecting supply to the premises of the petitioner and consequently, the petitioner is bound to succeed in this writ petition.

(xix) Writ Petition No. 18708 of 2014:- The petitioner submitted an application for supply of high tension electricity service connection on 13.03.1995 which was sanctioned by a communication dated 01.12.1996 of the respondents. On 24.05.1996, the petitioner remitted the earnest money deposit. On 24.05.1996 and 30.05.1996, agreements were executed by the petitioner for supply of electricity energy. On 03.02.1997, the petitioner expressed their readiness. However, only during August 1997, the respondents effected supply of electricity to the petitioner premises. The respondents also did not specifically denied this position and in the tabulated statement furnished by the respondents, it is only stated that the petitioner did not commence commercial production before the cut off date. In such circumstance, the petitioner is bound to succeed.

(xx) Writ Petition No. 18808 of 2014:- The petitioner submitted an application for supply of electricity energy on

05.07.1995, which was sanctioned by the respondents on 20.02.1996. On 11.03.1996, the petitioner remitted the earnest money deposit and reported their readiness to the respondents on 20.03.1997. However, supply was given only on 18.09.1997. In the tabulated statement furnished by the respondents, it was contended that the petitioner reported readiness only 20.03.1997 after availing extension of time much after the cut off date. This is silent in the affidavit filed in support of the writ petition. During the course of argument, it is brought to the notice by the respondents that even during the course of enquiry, the petitioner has not produced any documentary evidence to show that they have commenced commercial production much before the cut off date. However, it was contended that the petitioner was asked to pay the Meter caution deposit on 30.07.1997 and on 04.08.1998 itself they have remitted the amount. From the evidence available on record, the petitioner was ready only on 23.03.1997 to avail the service connection i.e., much after the cut off date. Therefore, the relief prayed for by the petitioner has to be rejected.

(xxi) Writ Petition No. 18900 of 2014:- On 05.04.1995, the petitioner submitted an application for supply of electrical energy, which was rejected by the respondents on 10.04.1995. On 06.09.1995, the petitioner remitted the earnest money deposit. On 06.09.1996, the petitioner informed their readiness, however, the petitioner was orally informed that there was no surplus grid power available in the existing sub-station. In fact, the petitioner was directed to pay the development charges and meter caution deposit during December 1996, which was also paid by the petitoiner on 16.12.1996 itself. Ultimately only on 19.05.1997, power supply was effected to the petitioner. Therefore, the petitioner is bound to succeed and they are entitled for the relief sought for in this writ petition.

(xxii) Writ Petition No. 18903 of 2014:- This is an extreme case where, in the earlier round of litigation itself, by virtue of the order passed by the learned single Judge in WP No. 16348 of 2008 etc., batch dated 13.11.2008, WP No. 19095 of 2008 filed by the petitioner was allowed (para No.42 of the order dated 13.11.2008) holding that the petitioner is entitled for the relief of tariff concession. However, the Superintending Engineer, Dharmapuri has chosen to reject the claim made by the petitioner on the ground of non-production of excise certificate. From the documents made available in the typed set of papers, even on 03.02.1997, safety certificate itself was produced by the petitioner. However, the Superintending Engineer, without looking into those documents, has passed the impugned order in a mechanical manner. In fact, the petitioner expressed their readiness to avail high tension electricity supply on 26.08.1996 and remitted the payment towards development charges and meter caution deposit on 16.12.1996 itself. Even according to the petitioner, they have commenced commercial production on 30.12.1996 much before the cut off date. Therefore, the petitioner in this writ petition has to be granted the relief of tariff concession.

(xxiii) <u>Writ Petition No. 19137 of 2014</u>:- The petitioner company was incorporated on 02.11.1995 and on 18.10.1996 they have submitted an application for supply of high tension electricity supply. Even according to the petitioner, they have remitted the earnest money on 03.04.1997 much after the cut off date. It was also admitted in para No.4 of the affidavit that they commenced commercial production on 16.07.1998. The petitioner also remitted the development charges and meter caution deposit on 27.08.1999 after the cut off date. In those circumstances, the petitioner is not entitled for the relief sought for in this writ petition. The writ petition deserves to be dismissed.

(xxiv) <u>Writ Petition No. 20139 of 2014</u>:- A perusal of the documents produced by the petitioner would indicate that they have produced the invoice dated 23.09.1996, 01.10.1996 and 21.11.1996 raised for sale of commercial yarn produced by them in their factory. The petitioner also produced an Eligibility Certificate dated 01.09.1996 issued by the SIPCOT under the Sales Tax Waiver Scheme evidencing the commencement of commercial production. On 03.09.1996, the petitioner also obtained proforma for filing declaration under Rule 173-B of the Central Excise Rules which was also verified by the Superintending of Central Excise. When the petitioner commenced commercial production even on 01.09.1996 much before the cut off date, they are entitled for tariff concession. However, the Superintending Engineer rejected the claim made by the petitioner only on the ground that they have remitted the development charges and meter caution deposit on 14.02.1997. As mentioned above, even on 01.09.1996, the petitioner unit commenced commercial production. In such circumstance, the petitioner is bound to succeed in this writ petition.

(xxv) <u>Writ Petition No. 20255 of 2014</u>:- The petitioner submitted an application on 09.11.1994 for supply of high tension electricity energy. On 25.04.1995 and on 25.05.1996, the petitioner remitted the earnest money deposit. The petitioner themselves have stated that they commenced commercial production only on 30.12.1998. In fact, the department directed the petitioner to report readiness on 27.09.1996, however, on 09.04.1997, the petitioner sought for extension of time. Therefore, the application for extension of time was rejected by the respondents. The petitioner thereafter reported readiness only on 22.05.1998. Subsequently, on 22.03.1999, the petitioner paid the development charges and service charges. Therefore, the delay is on the part of the petitioner and therefore, they are not entitled for the relief sought for in this writ petition.

(xxvi) <u>Writ Petition No. 20256 of 2014</u>:- On 17.02.1995, the petitioner submitted an application for supply of high tension electricity energy, which was sanctioned by the respondents on 30.07.1995 (wrongly stated in the affidavit as 30.07.1999). On 01.08.1996 and 27.01.1997, the petitioner remitted the earnest money deposit and other charges. However, even on 05.08.1996, the petitioner expressed their readiness to avail the service connection. Ultimately, only on 31.03.1997 the respondent effected power supply. Thus, it is clear that the delay is on the part of the respondents in effecting power supply and it will be put against the petitioner to deny the relief sought for in this writ petition. The writ petition has to be allowed.

(xxvii) Writ Petition No. 20412 of 2014:- The petitioner applied for availing high tension electricity supply on 20.09.1995 and on 03.04.1996, the petitioner remitted the EMD amount. By letter dated 19.03.1996, the Superintending Engineer, Coimbatore sanctioned the demand for supply of power. On 18.12.1996, the petitioner remitted the development charges and meter caution deposit. On 21.12.1996, the petitioner entered into an agreement for supply of high tension electricity supply containing certain terms and conditions thereof. Since supply was not effected, the petitioner wrote a letter dated 08.01.1997 to the Chairman of the Board, who, by reply dated 24.02.1997, informed that supply of the transformer is expected by April 1997 and on being commissioned, supply will be effected. Thus, it is clear that the petitioner complied with the requisite formalities much before the cut off date. The respondents would only contend that the petitioner did not commence commercial production before the cut off date, which is not due to the fault attributable on the part of the petitioner. Therefore, it is not proper on the part of the respondents to reject the claim of the petitioner for tariff concession. Consequently, the petitioner is bound to succeed in this writ petition.

(xxviii) Writ Petition No. 20973 of 2014:- On 25.08.1995, the petitioner submitted an application for supply of high tension electricity energy, which was sanctioned on 28.12.1995 by the third respondent. The petitioner also deposited the earnest money deposit on 20.02.1996. Even according to the petitioner, in para-6 of the affidavit, they sought for extension of time by a letter dated 16.01.1997. It was also admitted that only on 03.04.1997, the petitioner reported readiness. While so, the tariff concession cannot be extended to the petitioner inasmuch as they reported readiness only after the cut off date. The writ petition is therefore deserves to be dismissed.

(xxix) Writ Petition No. 21242 of 2014:- The petitioner submitted an application on 15.03.1996 for supply of high tension electricity energy, which was sanctioned by the third respondent on 25.07.1996. On 01.08.1996, the petitioner remitted the earnest money deposit. On 06.01.1997, the petitioner informed their readiness to get electricity supply *interalia* sought permission to commence commercial production by using generators. Accordingly, on 14.02.1997, the petitioner started commercial production by using generators. Ultimately, on 07.02.1998, the respondents effected electricity supply to the premises of the petitioner. Therefore, it is evident that the petitioner commenced commercial production on the cut off date i.e., 14.02.1997 and consequently, they are entitled to succeed in this writ petition.

(xxx) Writ Petition No. 22285 of 2014:- The petitioner submitted an application for supply of high tension electricity energy on 10.02.195, which was sanctioned by the respondents on

13.02.1995. On 16.05.1995, the petitioner remitted the earnest money deposit. On 08.11.1995 itself, the petitioner expressed their readiness to avail the electricity supply. On 05.06.1996, the petitioner was directed to remit some more amount towards development charges etc., which was remitted on the same day i.e., 05.06.1996 itself. Even before the cut off date, on 10.02.1997, the petitioner sought the permission of the respondents to commence commercial production by using generators, which was also granted on 12.02.1997. Immediately thereafter, the petitioner commenced the commercial production. Thus, the petitioner has even commenced the commercial production by using generators before the cut off date and consequently, the petitioner is bound to succeed in this writ petition.

(xxxi) Writ Petition No. 22931 of 2014:- The petitioner submitted an application dated 10.01.1996 requesting the respondents to supply high tension electricity energy for setting up a spinning mill, which was also sanctioned on 26.03.1996. On 30.04.1996, the petitioner remitted the earnest money deposit. Even as early as on 29.11.1996, the petitioner remitted the amount, both towards development charges, SC charges and meter caution deposit. On 24.01.1997, after completion of the civil works, the petitioner expressed their readiness to avail the power supply as per the work sheet produced by the respondents. However, only on 21.08.1997, the respondents effected electricity service connection. The delay in effecting supply is attributable on the part of the respondents, for which the petitioner cannot be penalised. Therefore, the petitioner is bound to succeed.

(xxxii) WP No. 22932 of 2014:- The petitioner submitted an application dated 03.05.1995 requesting the respondents to supply high tension electricity energy for setting up a spinning mill, which was also sanctioned on 27.06.1995. On 27.07.1995, the petitioner remitted the earnest money deposit. Even as early as on 02.03.1996 itself, the petitioner remitted the amount towards development charges and SC charges as well as meter caution deposit. On 25.11.1996 itself, after completion of the civil works, the petitioner expressed their readiness to avail the power supply. However, only on 19.09.1997, the respondents effected electricity service connection. The delay in effecting supply is attributable on the part of the respondents, for which the petitioner cannot be penalised. Therefore, the petitioner is bound to succeed in this writ petition.

30. In the result,

(i) Writ Petition Nos. 17279, 17967, 17981, 18011, 18012, 18061, 18109, 18130, 18357, 18651, 18653, 18654, 18655, 18708, 18900, 18903, 20139, 20256, 20412, 21242, 22285, 22931 and 22932 of 2014 are allowed.

(ii) Writ Petition Nos. 17980, 18358, 18359, 18360, 18652, 18808, 19137, 20255 and 20973 of 2014 are dismissed. No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rsh

To

1. The Tamil Nadu Electricity Board
rep. by its Chairman
Anna Salai
Chennai - 600 002

2. The Superintending Engineer
Erode Electricity Distribution Circle
No.94, E.V.N. Road
Erode - 638 009

3. The Secretary to Government,
Energy Department, Secretariat,
Fort St. George, Chennai 9.

4. The Chairman,
TANGEDCO,
No.800/144, Anna Salai,
Chennai 600 002.

5 The Superintending Engineer,
Gobi Electriicty Distribution Circle,
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6. The Superintending Engineer,
Tamil Nadu Electricity Board,
Salem Electricity Distributio Circle,
TANGEDCO, Salem 636 014.

7. The Superintending Engineer,
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TANGEDCO, Gobichettipalaym 638 452.

8. The Superintending Engineer,
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Erode 638 009.

9. The Superintending Engineer,
Tamil Nadu Electricity Board, Chennai North,
Electricity Distribution Circle,
TANGEDCO, Chennai 2.

10. The Superintending Engineer,
Tamil Nadu Electricity Board,
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11. The Superintending Engineer,
Tamil Nadu Electricity Board,
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TANGEDCO, Krishnagiri District.

12. The Superintending Engineer,
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Virudhunagar Electricity Distribution Circle,
Virudhunagar.

13. The Superintending Engineer,
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Circle,
Erode.

14. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
TANGEDCO, Namakkal.

15. The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur Dam 636 401.

15. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
Mettur Dam 636 401.

16. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
TANGEDCO, Tiruchengode Road, Namakkal.

17. The Superintending Engineer,
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TANGEDCO, Dharmapuri 636 705.

18. The Superintending Engineer,
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Tamil Nadu Electricity Board,
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19. The Superintending Engineer,
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Tirupur.

20. The Superintending Engineer,
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21. The Superintending Engineer,
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22. The Superintending Engineer,
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23. The Superintending Engineer,
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TANGEDCO, Tiruppur 641 602.

+ 3 CCs to Mr.K.Seshadri, Advocate SR NO 63835, 63836, 68337

+ 10 CCs To Mr.R.S.Pandiyaraj, Advocate SR NO.63790

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