

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.3.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.7138 of 2015
and
M.P.No.1 of 2015

Deivasigamani

... Petitioner

vs

The Juniior Engineer,
(Operation and Maintenance),
TANGEDCO (TNEB)
Town I/KEDC/TNEB
Tiruttani - 631 209

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari to call for the records of the respondent bill dated 24.02.2015 relating to S.C.No.394 and quash the levy of "Excess Demand Penalty" in excess of Rs.33,840/- .

For petitioner : MrS. Elamurugan
For respondent : Mr.P. Gunaraj
Standing Counsel

ORDER

The petitioner has filed the above writ petition for issuance of a Writ of Certiorari to call for the records of the respondent bill dated 24.02.2015 relating to S.C.No.394 and quash the levy of "Excess Demand Penalty" in excess of Rs.33,840/- .

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2. Heard Mr.S. Elamurugan, learned counsel for the petitioner and Mr.P. Gunaraj, learned Standing Counsel for the respondent Electricity Board.

3. It is the case of the petitioner that the respondent Electricity Board extended their power supply under L.T. Category with III phase for a sanctioned load of 111.5 Kw. In the month of December, 2014, the electricity charges were levied and demanded at Rs.86,314/- and in January 2015, demand was made for a sum of Rs.59,840/-. While so, in the bill dated 24.2.2015, the respondent raised a bill for Rs.5,48,275/- with a direction to pay the same on or before 16.3.2015.

4. In the said bill, a sum of Rs.1,87,883.80 was charged towards energy charges and a sum of Rs.3,47,094.18 was demanded under the head "Excess Demand Penalty. Since levying of Excess Demand Penalty is unreasonable, the petitioner has filed the above writ petition.

5. Mr.P. Gunaraj, learned Standing Counsel for the respondent Electricity Board submitted that as per the Tamil Nadu Electricity Regulatory Commission Notification No.TNERC/SC/7-30, dated 17.2.2012, where the recorded demand exceeds 112 KW, for every KW or part thereof in excess of sanctioned demand, if it is the fourth and subsequent occurrences, at the rate of 10% for every KW or part thereof over and above 112 KW will be demanded.

6. Mr.S. Elamurugan, learned counsel appearing for the petitioner submitted that the petitioner may be permitted to pay the demand of Rs.3,47,094.18 in ten equal monthly instalments.

7. Having regard to the submissions made by the learned counsel on either side, I do not find any error or irregularity in the demand made by the respondent in the bill dated 24.02.2015 and the writ petition is devoid of merits and the same is dismissed.

8. However, taking into consideration the request made by the learned counsel for the petitioner, I permit the petitioner to pay the demand made by the respondent for a sum of Rs.3,47,094.18/- (Rupees three lakhs forty seven thousand ninety four and eighteen

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paise only) in ten equal monthly instalments, commencing from 1.4.2015, without any default.

9. In case of any default, committed by the petitioner in paying the monthly instalments, the respondent is at liberty to take suitable action.

10. With the above observation, the writ petition is dismissed. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

The Junior Engineer,
(Operation and Maintenance),
TANGEDCO (TNEB)
Town I/KEDC/TNEB
Tiruttani - 631 209

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.15424
+1cc to Mr.S.Elamurugan, Advocate, S.R.No.15493

W.P.No.7138 of 2015

BR(CO)
CA(30/03/2015)

सत्यमेव जयते

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