



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.01.2015
CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P. (MD) .No.15688 of 2013
and M.P. (MD) Nos.1 of 2013 & 1 of 2014

AEON Trust,
Rep. by its Managing Trustee
Mrs. Patrizia Norelli - Bachelet (Thea),
W/o. Fernando Bachelet,
Pethuparai,
Kodaikanal,
Dindigul District.

: Petitioner

Vs.

1. The Superintendent Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Angu Nagar SS Complex,
Meenakshinaikanpatty,
Dindigul.

2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
Kodaikanal,
Dindigul District.

3. The Assistant Engineer,
Town/West/TNEB,
Kodaikanal,
Dindigul District.

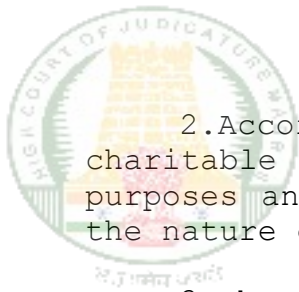
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to hold an enquiry and afford due opportunity to the petitioner and therefore finalize the issue of classification of the petitioner's service connection numbers AKA 05-252-011-36 and AKA 05-252-011-46 in accordance with law.

For Petitioner : Mr. T. Antony Arul Raj
For Respondents : Mr. S. M. S. Johnny Basha

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to hold an enquiry and afford due opportunity of hearing to the petitioner in finalising the issue of classification of service connection.



2. According to the petitioner, the petitioner Trust is a public charitable trust and the premises are used substantially for residential purposes and partly for running a micro industrial unit which is more in the nature of cottage industry and they are having few dozen of cows.

3. The third respondent has filed a counter affidavit in which it has been clearly stated that the petitioner Trust is a company registered under the Companies Act, 1956 and they are manufacturing dairy products like cheese and related products. The company is engaged in business activities and earning profit. Further, the service connection of the petitioner was in domestic tariff and taking into consideration the fact that the petitioner Trust is involved in manufacturing dairy products, the tariff of has been changed from domestic to commercial which is in accordance with law and in terms of the Board's rules.

4. Heard both sides.

5. At the outset, the Writ Petition is not at all maintainable for the simple reason that the petitioner has not filed any appeal against the change of tariff as he is always at liberty to file an appeal. Without filing an appeal, he has come forward with this Writ Petition. In any view of the matter, the question is whether the service connection is being utilised for residential purpose or for manufacturing dairy products. Admittedly, the service connection is not utilised for residential purpose. However, it is for the petitioner to file an appeal and to explain the issue before the authorities concerned.

6. In the result, the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. The Superintendent Engineer, Dindigul Electricity Distribution Circle, Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO), Angu Nagar SS Complex, Meenakshinaikanpatty, Dindigul.
2. The Assistant Executive Engineer, Tamil Nadu Generation and Distribution Corporation Ltd., Tamil Nadu Electricity Board, Kodaikanal, Dindigul District.
3. The Assistant Engineer, Town/West/TNEB, Kodaikanal, Dindigul District.

+1 CC TO M/S.S.M.S.JOHNNY BASHA, ADVOCATE SR.NO.1646

+1 CC TO M/S.T.ANTONY ARUL RAJ, ADVOCATE SR.NO.1709

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