

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.5270 of 2016

and

W.M.P. Nos.4628 and 4629 of 2016

Prince Village Phase I,
Flat Owners Welfare Association,
Regn. No.272 of 2014,
Rep. By its Secretary,
Mr.Balaji Sanjeevi,
Prince Village,
Block A-3, Flat No.305,
No.31 and 33, Elaya Mudali Street,
Tondiarpet, Chennai - 600 081. Petitioner

Vs.

1. The Tamil Nadu Generation &
Distribution Limited
Rep. by its Chairman and
Managing Director,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. Chief Financial Controller / Revenue
Accounts Branch,
The Tamil Nadu Generation &
Distribution Limited
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
O & M Voc Nagar,
TANGEDCO/CEDC/NORTH
Chennai - 600 081.
4. The Executive Engineer,
O & M Voc Nagar,
TANGEDCO/CEDC/NORTH
Chennai - 600 081.

5. The Assistant Engineer,
O & M Voc Nagar,
TANGEDCO/CEDC/NORTH
Chennai - 600 081.

6. Prince Foundations Ltd.
Represented by its Chairman
and Managing Director,
Ormes Road,
Kilpauk,
Chennai - 10.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of Writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus forbearing the Respondents their men, agents, servants or anyone claiming from or under them from in any manner collecting the consumption charges under the Commercial Tariff LM 51 and consequentially direct the 3rd, 4th and 5th Respondents to convert the consumption charges collected under commercial Tariff LM 51 to Domestic Tariff under LT 1 A retrospectively with effect from March 2015 and further direct the 2nd Respondent to adjust the excess amount collected under Commercial Tariff LM 51 in respect of 13 Common Service Connections viz., Service Connection Nos.01004015426, 01004015451, 01004015492, 01004015533, 01004015574, 01004015617, 01004015654, 01004015679, 01004015704, 01004015779, 01004015780, 01004015778, 01004015729 assigned to the Petitioner, Premises at Prince Village, No.31 and 33, Ellaya Mudali Street, Tondiarpet, Chennai - 600 081 since March 2014 till date towards the subsequent consumption charges that shall become due under Domestic Tariff LT 1A subsequently.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent Nos.1to5 : Mr.P.R.Dilipkumar
Standing Counsel for TNEB

O R D E R

The sixth respondent / Promoter constructed 582 Apartments and handed over the possession to various purchasers. All the said 582 Apartments' Owners formed an Association, which is the petitioner before this Court. The sixth respondent / Promoter filed 13 applications for getting New Service Connections for Block Nos.1 to 19, which consists of 582 dwelling units. The sixth respondent submitted one part of 355 New Service Connections applications including Common Service Connections [342 dwelling units and 13 common service connections) for Block Nos.1 to 10. Subsequently, the sixth respondent submitted second

part of 240 New Service Connections applications for Block Nos.11 to 19. The first set of 355 applications were considered and service connections were given to 355 dwelling units on 21.01.2013 and 13 common service connections were also given on 20.06.2013. As far as the second part of 240 New Service Connections are concerned, the same was effected on 24.09.2013. There was no common service connections for the second part of the applications, namely, 240 New Service Connections, even though the sixth respondent applied for it.

2. As far as the New Service Connections are concerned, the Electricity Board is charging only the residential tariff whereas the Common Service Connections are concerned, the Electricity Board is charging commercial tariff, since the sixth respondent has applied originally and gave an undertaking letter stating that they would pay the commercial tariff. However, the petitioner now seek to club together all the 13 common service connections into a Single Common Service Connection and further seeks to charge to domestic tariff.

3. Heard Mr.R.Abdul Mubeen, learned counsel for the petitioner and Mr.P.R.Dilipkumar, learned Standing Counsel for the respondents 1 to 5 and 6th respondent is only a formal party, as the sixth respondent has already made construction and handed over the possession to the petitioner and therefore, there is no subsisting interest of the sixth respondent and hence, this Court has not ordered notice to the sixth respondent.

4. Though counter affidavit has been filed by the sixth respondent on 14.03.2016 and subsequently, the fifth respondent filed an affidavit on 21.07.2016 undertaking to convert 13 Common Service Connections from commercial tariff to domestic tariff as a Single Common Service Connection by adding all 13 service connection meter unit reading as single Connection under domestic tariff. Paragraph 4 of the affidavit reads as follows :-

"I submit that as per the suggestion of this Hon'ble Court, I undertake to convert 13 common service connections from commercial tariff to domestic tariff as single common service connection by adding all 13 service connection metre unit reading as single connection under domestic tariff"

5. In view of the above, the relief sought for by the petitioner has been agreed and undertaken by the fifth respondent.

6. Recording the counter affidavit filed by the fifth respondent, the Writ Petition is disposed of. This order will come into effect from the month of September 2016 onwards. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2/sri

To

1. The Tamil Nadu Generation & Distribution Limited
Rep. By its Chairman and Managing Director,
NPKRR Maaligai, No.144, Anna Salai,
Chennai - 600 002.
2. Chief Financial Controller / Revenue
Accounts Branch,
The Tamil Nadu Generation & Distribution Limited
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5. The Assistant Engineer,
O & M Voc Nagar, TANGEDCO/CEDC/NORTH
Chennai - 600 081.

+1cc to M/s. P.R. Dilipkumar, Advocate, S.R.No.52648
+1cc to Mr.R. Abdul Mubeen, Advocate, S.R.No.

ALA(CO)
EU(05/10/2016)

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