



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 31.08.2017  
CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA**

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W.P. (MD) No.14635 of 2017  
and  
W.M.P. (MD) Nos.11475 to 11477 of 2017

M/s.PSN Educational and Charitable Trust,  
Rep. by its Managing Trustee,  
Dr.P.Suyambu

... Petitioner

Vs.

1. The Superintending Engineer,  
TANGEDCO,  
Karur Electricity Distribution Circle,  
Karur.
2. The Executive Engineer (O&M) Rural  
TANGEDCO  
Karur Electricity Distribution Circle  
Karur.
3. The Deputy Financial Controller,  
TANGEDCO, Central Office,  
Karur Electricity Distribution Circle  
Karur.
4. The Assistant Executive Engineer  
Tamil Nadu Electricity Board,  
TANGEDCO  
K.Paramathi, Karur District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the 1<sup>st</sup> respondent in Lr.No.SE/KEDC/KRR/DFC/HT/AS/F.HTSC:65/D.302/2017 dated 06.07.2017 and quash the same and consequently direct the respondents to restore the petitioner's high tension service connection HTSC No.65 situated at Nedungur Village, Aravakurichi Taluk, Karur District.

For Petitioner : Mr.V.Muthukamatchi for  
Mr.R.Murugesan

For Respondents : Mr.E.P.Venkateshwar for  
Mr.S.M.S.Johnny Basha  
for standing counsel TNEB

**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

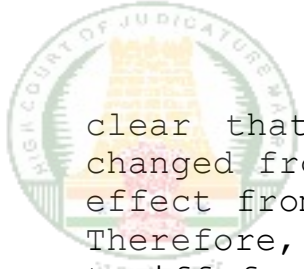
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2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The present writ petition is directed against the impugned order dated 06.07.2017, in and by which, the petitioner was directed to pay the bill for HT No.65 dated 30.06.2017 for Rs.3,32,674/- for the month of June 2017, failing which, it is informed that the non payment of the electricity charges will lead to disconnection of the power supply.

4. The learned counsel for the petitioner would submit that the petitioner Institution is a Charitable Trust registered under the Societies Registration Act with an intention to provide healthy education in the Society.

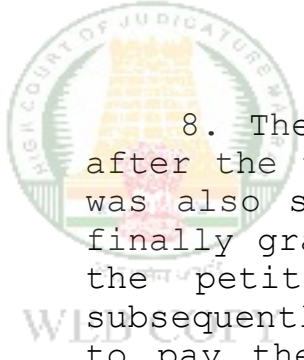
5. The learned counsel for the petitioner would submit that the petitioner Trust has purchased the properties in New.R.S.Nos.2,3/2,5,6/1,7/1,7/2 having an extent of 28 acres 23 cents at Nedungur Village, Aravakurichi Taluk from M/s.Sabere International Limited on the file of the Sub Registrar Office, Chinna Dharapuram, vide Document No.745/2013 dated 27.03.2017. Since the petitioner's vendor M/s.Sabere International Limited obtained HT Service Connection No.65 from the first respondent for running their textile business, the petitioner, after purchase of the said property, made a representation on 30.03.2017 to the first respondent with a request to reduce the demand and change of name, HTSC No.65 from M/s.Sabere International Limited, Karur to M/s.PSN Educational and Charitable Trust. On the basis of the said representation, the first respondent also issued approval for change of HTSC No.65 (Tariff - I sanction demand 860 KVA) to the petitioner Educational Trust by proceedings dated 19.04.2017. Within three days, the petitioner made another representation to the first respondent with a request to reduce the demand from 860 KVA to 100 KVA. The same was also received by the first respondent. However, the first respondent has not taken any action for passing appropriate orders, which lead to the filing of another representation on 19.04.2017 renewing the request for reduction of sanction of demand. When the petitioner's repeated representations are pending for consideration, the first respondent issued electricity bill for the month of May 2017 demanding higher amount as per the original sanctioned demand 860 KVA. However, due to the repeated requests made, the first respondent came forward to pass an order changing the tariff I (Industrial) to Tariff III (Commercial) on 19.06.2017 making it



clear that the tariff of HT service Connection No.65 has been changed from Tariff I (Industrial) to Tariff III (Commercial) with effect from current billing, namely, June 2017 as per the request. Therefore, the respondents cannot claim the current consumption tariff for the month of June 2017 under Tariff I Industrial head, since they have already passed order giving with effect from the current billing, namely, June 2017, the Tariff has been changed from Tariff I (Industrial) to Tariff III (Commercial). For the above said reason, the impugned order is liable to be set aside, it is pleaded.

6. The learned counsel for the respondent, relying on the counter affidavit, would submit that after receipt of the application on 27.04.2017, the petitioner's request for name transfer, Tariff change and reduction of load from 860 KVA to 100 KVA, the said application was forwarded to the Executive Engineer (O&M) Rural, Karur, on 28.04.2017 marking a copy to the Assistant Engineer, Chinna Dharapuram, calling for report.

7. He would further submit that the Assistant Engineer, Paramathi, on receipt of the said communication, visited the spot of the petitioner on 10.05.2017 to carry out the inspection. As there was no one in the premises except the security personnel, who also refused to open the gate, since the owner and Manager were not available, they are not able to carry on any inspection, which is purely due to non cooperation of the petitioner. However, the same was intimated to the petitioner and second time, a combined inspection was attempted by Assistant Executive Engineer and Assistant Engineer, Paramathi on 16.05.2017. Again, there was no response from the petitioner. Moreover, there was no technical person from the side of the petitioner in the premises and this was also communicated to the higher officials, the Executive Engineer, Karur. Again, 3<sup>rd</sup> combined inspection was attempted on 26.05.2017 along with the 2<sup>nd</sup> respondent. During that time, the technical person or any other responsible person were not available from the petitioner's side. As a result, the factual information could not be collected and the required exercise could not be done to prepare the feasibility report. Finally, on 01.06.2017, the Assistant Engineer, Paramathi, in the presence of the Manager of the petitioner's Institution completed the inspection and after satisfying that no industrial activity was carried out in the premises, the request of the petitioner to reduce the load being valid was accepted. Finally, a proposal was submitted to the 2<sup>nd</sup> respondent on 03.06.2017, after scrutinising the same by the Divisional Office, again, the same was submitted to the first respondent on 12.06.2017. Only, thereafter, the application of the petitioner was registered for tariff change on 19.06.2017 and tariff change from industrial to commercial was done on the same day itself.



8. The learned counsel for the respondents would submit that after the tariff change was made on 19.06.2017, feasibility report was also submitted to the Chief Engineer on 20.06.2017, who also finally granted approval for registration of reduction of load for the petitioner HT Service on 10.07.2017 and the same was subsequently intimated to the petitioner on the same day directing to pay the registration fees. Accordingly, the petitioner paid the registration fee on 11.07.2017 and after registration of the petitioner's application, the load reduction approval has been submitted to the Chief Engineer on 12.07.2017. Finally, the load reduction was approved only on 21.07.2017, which was also intimated to the petitioner. Therefore, the petitioner has to pay the current consumption charges for the month of June 2017 and the petitioner is entitled to pay the current consumption charges under commercial.

9. I am in full agreement with the submission made by the learned counsel for the respondents.

10. In view of the above submissions made by the learned counsel for the respondents, this Court finds no merits in the writ petition. Accordingly, the writ petition fails and the same is dismissed. However, it is made clear that the respondents are directed to receive the current consumption charges under Tariff III Commercial from July 2017 onwards. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

+ 1 CC TO MR.S.M.S.Johnny Basha, ADVOCATE IN SR No.75679

+ 1 CC TO MR.R.Murugesan, ADVOCATE IN SR No.75978

RR

MK/JC/SAR-2/31.10.2017/4P/3C

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