IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14456of 2013
and
M.P.No.1 of 2013

Shri Ganga Steel Enterprises HTSCNo.1521
Works at B-20 E, Sipcot Industrial complex
Gummidipoondi- rep.
By its Authorised Signature S.Kannan .. Petitioner

vs

1.Tamil Nadu Generation and
Distribution Corporation Limited
Rep. By its Chairman and Managing Director
NP.K.K.R.Maaligai, 144, Anna Salai,
Chennai - 600 002.

2.The Superintendent Engineer
Chennai Electricity Distribution
Circle (North)
791, Anna Salai,
Chennai - 600 002.

3.Tamil Nadu Electricity Regulatory Commission
Rep. By its Secretary,
19A, Rukmini Lakshmipathy Salai,
Chennai - 600 008.

4.State Industries Promotion Corporation
of Tamil Nadu Limited
Rep. By its Chairman
19A, Rukmini Lakshmipathy Salai,
Chennai - 600 008. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned demand notice issued by the second respondent in No.SE/CEDC/N/AAO/HT/AS/F.1521/D 5673/2013 dated 19.04.2013 to the petitioner, quash the same as illegal, arbitrary and against the regulation 5 (5) (ii) (a) of the Tamil Nadu Electricity supply code 2004 and consequently direct the second respondent to calculate the Additional CCD payable by the petitioner as contemplated under Regulation 5 (5) (ii) (a) of supply code 2004 and direct the second respondent to adjust the excess security deposit available in the petitioner account with future current consumption bills.

For Petitioner	:	Mr.R.S.Pandiyaraj
For Respondents 1 to 3	:	Mr.P.R.Dhilipkumar Government Advocate
For Respondent 4	:	Mr.Ramesh Venkadachalapathy

O R D E R

The relief sought for in this writ petition is to call for the records pertaining to the impugned demand notice issued by the second respondent in No.SE/CEDC/N/AAO/HT/AS/F.1521/D 5673/2013 dated 19.04.2013 to the petitioner, quash the same as illegal, arbitrary and against the regulation 5 (5) (ii) (a) of the Tamil Nadu Electricity supply code 2004 and consequently direct the second respondent to calculate the Additional CCD payable by the petitioner as contemplated under Regulation 5 (5) (ii) (a) of supply code 2004 and direct the second respondent to adjust the excess security deposit available in the petitioner account with future current consumption bills.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the issues raised in this writ petition are already decided by this Court in Batch of writ petitions in W.P.Nos.15238 of 2012 etc., on 23.07.2013. The relevant paragraph Nos.45, 46, and 47 of the said Judgment are extracted hereunder:

> "45.Since the Regulation 5 (5) (vii) (a) of the Tamil Nadu Electricity Supply Code, 2004 does not apply to HT Consumers who are the owners of premises, namely, building or structure, despite the fact that the land developed by SIPCOT is parted by way of 99 years lease, the question of challenging the said regulation does not arise. Therefore, the objection raised by the respondent electricity Board on this issue is rejected.
>
> 46. In view of the above, the respondent Electricity Board is not entitled to demand additional current consumption

deposit in terms of amended Regulation 5 (5) (vii) (a) from the HT industries who are owners of the premises, namely, building or structure put up on the plots developed by SIPCOT and leased out to the petitioners on a 99 years lease with a further clause for renewal for a further period of 99 years. The amended regulation does not apply to the petitioners. However, as already pointed out wherever the building or structure is leased or parted to a different person by the owner the amended Regulation as above will be attracted automatically. The respondent Electricity Board is entitled to proceed as per law against the occupier or lessee. Insofar as HT industries, the petitioners herein, who are actual owners of the premises, namely, building or structure are concerned and covered by lease agreement for a period of 99 years executed by the SIPCOT, the impugned demands in terms of amended Regulation 5 (5) (vii) (a) of the Tamil Nadu Electricity Supply Code, 2004 will not be applicable. The petitioners, however, are liable to pay additional current consumption deposit as per the earlier provision, namely, Regulation 5 (5) (ii) (a) of the Tamil Nadu Electricity Supply Code, 2004.

47. Petitioners in all these cases are directed to pay the additional Current Consumption Deposit as per Regulation 5 (5) (ii) (a) of the Tamil Nadu Electricity Supply Code, 2004 forthwith. The respondent Board is directed to adjust the excess deposit, if any, towards monthly current consumption charges, which, as rightly pointed out by the learned counsel for the respondent Board, is stated in para 11 of the counter. The respondent Board is entitled to adjust the excess amount in deposit under Regulation 5 (5) (v) of the Tamil Nadu Electricity Supply Code. The writ petitions are allowed as above. Consequently, connected miscellaneous petitions are closed.”

The writ petitioner is also to be considered in light of the order cited supra.

3. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nmm/stm

To

1. The Chairman and Managing Director
Tamil Nadu Generation and Distribution Corporation Limited
NP.K.K.R.Maaligai, 144, Anna Salai,
Chennai - 600 002.

2. The Superintendent Engineer
Chennai Electricity Distribution Circle (North)
791, Anna Salai,
Chennai - 600 002.

3. The Secretary, Tamil Nadu Electricity Regulatory Commission
19A, Rukmini Lakshmipathy Salai,
Chennai - 600 008.

4. The ChairmanState Industries Promotion Corporation of Tamil Nadu Limited
19A, Rukmini Lakshmipathy Salai,
Chennai - 600 008.

+ 1 cc to Mr. Ramesh Venkadachalapathy, Advocate Sr.43440

W.P.No.14456of 2013
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GJ-II(CO)
EU(20/07/2018)