

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.19701 of 2003
and WPMP No.24622 of 2003

K.C.T.Madalayam
represented by its Madathipathi
Sri-La-Sri Nachaippa Gnana Desika Swamigal
Through Power Agent K. Ramaswamy Chettiar
Erumbur Post, Pinnanur Via,
Chidambaram Taluk,
Cuddalore District Petitioner

Vs.

1. The Assistant Engineer,
O & M East,
Tamil Nadu Electricity Board,
Sethiathope-608 702
2. The Chairman,
Tamil Nadu Electricity Board,
No.802, Anna Salai,
Chennai - 600 002 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records comprised in proceedings in Vu Po/Ki/Se. Tho/Ko.No.Kattu/A.No./68 dated 02.06.2003 the consequential order dated 23.06.2003 passed in Proceedings No.Vu Po/Ki 162. Tho/Ko.No.Kattu/A.No.97 on the file of the Assistant Engineer, O & M East, Tamil Nadu Electricity Board, Sethiathope-608 702- First Respondent herein and quash the same and consequently direct the Respondents to treat the service connection as per clause 38 Schedule Part-II under Tariff-IV of the Terms and Conditions of T.N.E.B.

For Petitioner : Mr.G.Govarthanan

For Respondents : Mr.M.Varun Kumar
Standing Counsel

ORDER

The Petitioner has challenged the Order dated 02.06.2003 issued by the First Respondent applying commercial tariff to the electricity service connection provided to the Petitioner Mutt and sought for consequential direction to treat the service connection as per clause 38 Schedule Part-II under Tariff-IV of the Terms and Conditions of Tamil Nadu Electricity Board.

2. Mr.M. Varunkumar, learned Standing Counsel, appearing for the Respondents submits that a Memo No.CE/Comml.EE.1/AEE.2/D.400/2004, (Technical Branch), dated 24.7.2004 has been issued in which it has been mentioned that the Tamil Nadu Electricity Regulatory Commission by order dated 25.06.2003 had directed that if electricity is used for agriculture and service was obtained for agricultural purpose, the service shall be billed under Tariff-IV-Agriculture, irrespective of ownership of the land, which has taken effect from 01.07.2003. It has also been stated that the Tamil Nadu Electricity Regulatory Commission in its letter dated 14.04.2004 has conveyed that it has no objection in applying the aforesaid benefit even for earlier period i.e., prior to 01.07.2003, if the Tamil Nadu Electricity Board desires and directions to that effect have been given therein. It is also stated in the Memo that in view of the direction issued by Tamil Nadu Electricity Regulatory Commission all cases have to be re-worked and any excess payment adjusted or refunded and audit objections pending can be arranged to be dropped.

3.In view of aforesaid submissions made by the Respondents, the impugned proceedings dated 23.06.2003 is set aside and the liability of the Petitioner for paying the electricity charges shall be re-worked in accordance with the aforesaid directions in the Memo produced by the Respondents.

4.The Writ Petition is disposed of on the aforesaid terms. No costs. Consequently, connected WPMP is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sr

To

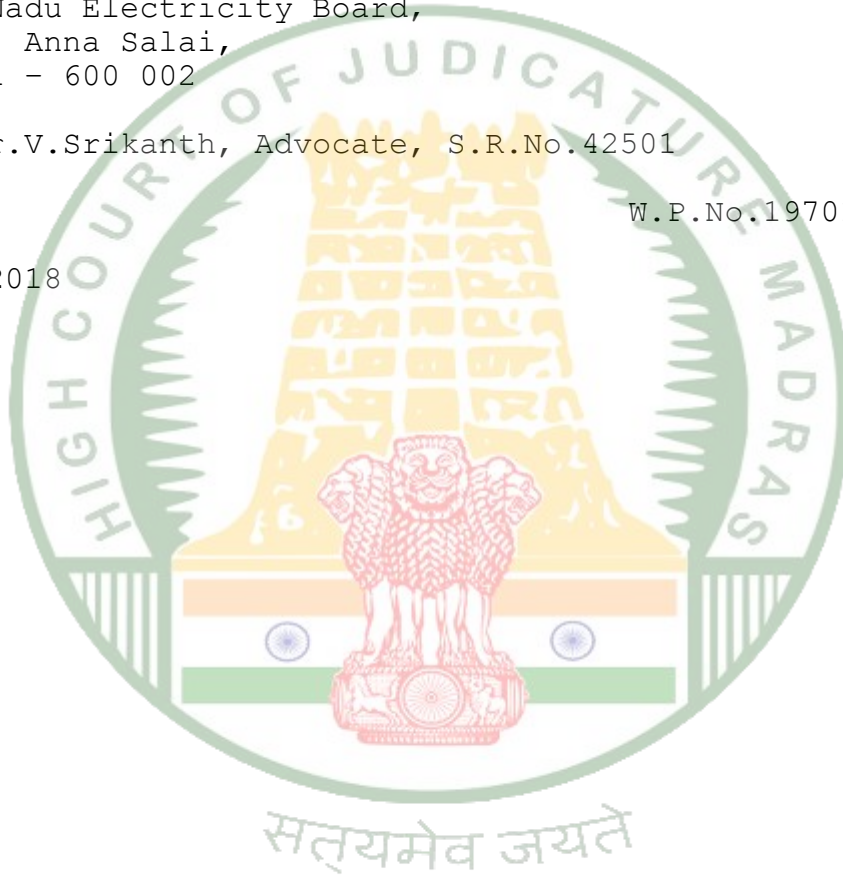
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Sethiathope-608 702

2. The Chairman,
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+1cc to Mr.V.Srikanth, Advocate, S.R.No.42501

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KS(CO)
BM 17/07/2018



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