



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2018

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI
W.A(MD)No.232 of 2018
and
C.M.P(MD)No.1320 of 2018

PSN Educational and Charitable Trust,
rep. by its Trustee Dr.P.Suyumbu
No.12, Court Road, Nagercoil,
Kanyakumari District.

:Appellant/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/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court against the order passed by this Court in
W.P(MD)No.14635 of 2017, dated 31.08.2017.

Prayer in WP(MD)No. 14635 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of
India, praying this Court To issue a writ of Certiorarified Mandamus
to call for the records in pursuant to the impugned order
issued by the 1st 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 petitioners High Tension
Service Connection HTSC No.65 situated at Nedungur Village,
Aravakuruchi Taluk, Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>

For Appellant

: Mr.T.Pon Ramkumar



For Respondents 1 & 2 : Mrs. Parameswari for
Mr. SMS. Johny Basha

JUDGEMENT

[Judgement of the Court was made by **K. RAVICHANDRABAABU, J.**]

This writ appeal is filed against the order passed by this Court in W.P.(MD).No.14635 of 2017, dated 31.08.2017 in dismissing the writ petition filed by the appellant herein, however, by issuing a direction to the respondents to receive the current consumption charges under Tariff III Commercial from July 2017 onwards.

2.The writ petition was filed challenging the proceedings dated 06.07.2017, issued by the first respondent, which is nothing but a demand issued on the petitioner to pay a sum of Rs.3,35,143/- being the current consumption charges. The grievance of the writ petitioner/appellant is that when they have made a request as early as on 30.03.2017 for reducing the supply from 860 KVA to 100 KVA, the impugned demand made even in respect of period commencing from 30.03.2017 to the date on which the change was made, cannot be sustained.

3.The writ court found that the application filed by the petitioner, after scrutiny and also payment of registration fee by the petitioner, was approved only on 21.07.2017 and therefore, the petitioner has to pay current consumption charges for the month of June 2017. In other words, the finding of the writ court is to the effect that till the application for reduction of supply of the demand from 860 KVA to 100 KVA is considered and an order is passed approving such request, the writ petitioner/appellant is bound to pay charges as existed prior to such approval.

4.We do not find any infirmity or illegality in the order passed by the writ court, when admittedly the application filed by the petitioner was considered and the order was passed only in the month of July 2017. Needles to say that merely because the petitioner has made an application in the month of March 2017, they cannot be heard to say that they are not bound to pay consumption charges as existed before the change of tariff. Therefore, the writ court, after considering all these aspects rejected the writ petition, with which we find no grounds to interfere. As it is also observed by the writ court that the respondents have to receive the current consumption charges under Tariff III from July 2017 onwards, if the petitioner/appellant is having any grievance against the department in not following such directions, it is open to them to work out the remedy in the manner known to law as against such non-compliance, if any.

<https://hcservices.ecourts.gov.in/hcservices/>

5.With the above observation, the writ appeal is dismissed.



Consequently, connected miscellaneous petition is closed. No costs.
Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar

To

1. The Superintending Engineer,
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Karur.
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3. The Deputy Financial Controller,
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Karur Electricity Distribution Circle,
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4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board, TANGEDCO,
K.Paramathi, Karur District.

+1cc to Mr.T.Pon Ramkumar, Advocate Sr.No.70935

VS

VB/PN/SAR2/19.07.2018/3P/6C

JUDGEMENT MADE IN
W.A (MD) No.232 of 2018
03.07.2018