

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.10308 of 2004

M/s.Lakshmi Sujee Auto (P) Ltd.,
Rep. by its Managing Director,
Mr.Narayanan,
No.95-96, T.T.K.Road,
Alwarpet,
Chennai - 600018.

...Petitioner

Vs

The Superintending Engineer,
Chennai Electricity
Distribution Circle,
Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records on the file of the respondent in his tariff card in respect of service connection Nos.132:14:141; 132:014:142 and 132:14:143 demanding Electricity Consumption charges from the petitioner under Commercial Tariff and quash the same and consequently direct the respondent herein to collect Electricity Consumption charges under Industrial Tariff namely Tariff 3B instead of Commercial Tariff.

For Petitioner : Mr.U.Sriram
for Mrs.R.Hemalatha

For Respondent : Mr.P.R.Dhilipu Kumar, SC for TNEB

O R D E R

The grievance of the petitioner is that the service connection is not covered under Commercial Tariff III-A and that he is entitled for a service connection under the Industrial Tariff. In this connection, the present Writ Petition has been filed seeking for changing the service connection from Commercial Tariff to Industrial Tariff.

2. In my view, if at all the petitioner is entitled to pay the electricity connection charges under the Industrial Tariff, such a decision should be taken only by the respondent herein after determining various factors for qualifying himself under the Industrial Tariff and this Court would not be justified in taking a decision on the ground reality. It is also seen that the petitioner has filed the present Writ Petition without making any representation to the respondent seeking for change in the Tariff and as such, the Writ Petition itself may not be proper.

3. Nevertheless, since the petitioner is now continuing his service connection under the Commercial Tariff, it would be appropriate to grant him liberty to make a representation before the respondent seeking for change in the Tariff from Domestic Tariff to Industrial Tariff.

4. In the light of the above observations, the petitioner is granted liberty to make appropriate representation before the respondent herein ventilating his grievance and on receipt of such a representation, the respondent herein shall pass appropriate orders on its own merits and in accordance with law, within a period of 6 weeks from the date of receipt of the representation.

5. Accordingly, the Writ Petition stands ordered. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

hvk

To

The Superintending Engineer,
Chennai Electricity
Distribution Circle,
Chennai.

+1 cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.21571

+1 cc to Mrs.R.Hemalatha, Advocate, S.R.No.21153

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SV(CO)
SSM(10/04/2019).