

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.5994 of 2007
and
M.P.Nos.1 to 3 of 2007

Dr.Rajah Muthiah Chettiar

... Petitioner

vs

1.State of Tamil Nadu,
Rep.by the Secretary to Government
Energy Department,
Secretariat,
Fort St.George,
Chennai 600 009.

2.The Tamil Nadu Electricity Board,
rep.by its Chairman
802, Anna salai,
Chennai.

3.The Member-Distribution
Tamil Nadu Electricity Board.
10th Floor P.K.R.R.Maligai,
No.800, Annasalai, Chennai-2

4.The Superintendent Engineer,
Chengalpattu Electricity Distribution Office,
T.N.E.B, Chengalpattu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Certiorarified Mandamus calling for the records of the fourth respondent comprised in its various demand notices including notices dated 03.10.2006, 31.10.2006 and 29.11.2006 in respect of the petitioner's electricity service connection in HT SC-513 issued under HT Tariff-III and quash the same and consequently direct refund of any charges collected in excess by categorizing the petitioner's service connection in HT SC-513 only under HT Tariff-IIA and levy, demand and collect electricity charges in accordance therewith.

For Petitioner: Mr.S.K.Krishnan, Senior Counsel
for Mr.T.Balaji

For Respondents: Ms.K.Bhuvaneshwari
Additional Government Pleader for R1

Mr.S.K.Rameswar
Standing Counsel for R2 to R4

O R D E R

The case of the petitioner is that the petitioner is an Educational Institution, which is recognised by the Government of India under the Medical Council of India. The Petitioner established a Medical College in the name of Chettinad Hospital and Research Institute at Padur Village, Kancheepuram District with an annual intake of 150 students. The petitioner applied for a High Tension 11KV power supply with a demand of 1000 KVA at their premises for setting up of a medical college and hospital and subsequent thereto. The 4th respondent vide letter dated 31.05.2006 had acknowledged the receipt of application and directed payment of necessary registration charges and EMD charges and the same was also paid by the petitioner. After payment of all necessary charges, the 4th respondent effected service connection in HT SC No.513. After the service connection, the petitioner received first demand from respondents on 03.10.2006, wherein the petitioner had charged for the electricity under HT Tariff Head-III instead of HT Tariff IIA. The petitioner aggrieved by the unreasonable subsequent demand, filed the present writ petition before this Court.

2. The learned Senior counsel appearing for the petitioner would submit that the petitioner started medical college as well as Hospital. Without Hospital, no Medical Colleges will run. He would further state that the Tariff applicable to the Medical College is also applicable to the Hospital and the appropriate tariff head is HT Tariff 2A, not Tariff III.

3. Per contra, Mrs.K.Rameswar, standing counsel for respondent Board would submit that the petitioner have an effective alternative remedy of referring the dispute before the Tamil Nadu Electricity Regulatory Commission as per Regulation 26 (3) of the Tamil Nadu Electricity Supply code. Without availing efficacious remedy available before the Regulatory Commission, the petitioner approaching this Court is premature and hence prays for dismissal of this petition.

4. In view of the above, the writ petition is disposed of. However, the petitioner is at liberty to file appropriate petition before the Tamil Nadu Electricity Regulatory Commission as per Regulation 26 (3) of the Tamil Nadu Electricity Supply

code, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Regulatory Commission shall dispose of the petition as expeditiously as possible. In the mean time, the interim order already granted by this Court on 19.02.2007, shall continue. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Energy Department,
Secretariat,
Fort St.George,
Chennai 600 009.
- 2.The Chairman,
The Tamil Nadu Electricity Board,
802, Anna salai,
Chennai.
- 3.The Member-Distribution
Tamil Nadu Electricity Board.
10th Floor P.K.R.R.Maligai,
No.800, Annasalai, Chennai-2
- 4.The Superintendent Engineer,
Chengalpattu Electricity Distribution Office,
T.N.E.B, Chengalpattu.

+1cc to Mr.T.Balaji, Advocate SR.No.61121

+1cc to Mr.S.K.Rameswar, Advocate SR.No.61181

W.P.No.5994 of 2007

SPD (CO)
GMY (16/08/2019)