

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.No. 12292 of 2019

and

W.M.P.Nos.12581 and 12583 of 2019

M/s Vicoans Infrastructure and
Environmental Engineering Pvt Ltd.,
Door No.19, New No.55, Dr.Muthulakshmi Salai,
Adayar - Chennai.

Rep. by its Authorised Signatory
Vijay

....Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.

2.The Assistant Engineer,
Chennai South Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Adyar.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the records of the second respondent in his impugned CC bill
dated 29.03.2019 insofar as 'Extra levy' to a tune of
Rs.1,61,708/- alone is concerned and quash the same as illegal,
arbitrary and against the provisions of the Electricity Act,
2003 and the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.K.Rameshuwar

Standing Counsel

O R D E R

Writ petition has been filed against the impugned CC bill
dated 29.03.2019, calling upon the petitioner to pay a sum of
Rs.1,61,708/- towards short levy of penalty for the use of
electricity in the Residential premises common utility service
bearing LT SC No.09201032552, which are promoted and currently
managed by the petitioner under individual rental agreements' on

the basis that such service connection ought to be charged under commercial (LT Tariff V) instead of domestic (LT Tariff IA) as per the tariff order issued by TNERC.

2. The learned counsel appearing for the petitioner would submit that when the petitioner premises was promoted and handed over to the Flat Owners Association 'TVH Quadrant', the premises consists of blocks with 125 individual flats which are provided with individual LT service connections in the name of its respective flat owners. The premises also consists of two common LT service connections, one coming under commercial tariff which are connected to the common club house, fire fitting and multipurpose hall. The other common LT service connection No.09201032552 is for common area lighting, security room lighting, R.O. Water treatment plant etc., utilised by the residents of the petitioner apartment. While so, the second respondent along with his officers came to the petitioner premises on 06.03.2019 for inspection and after the completion of inspection, the second respondent complained that there is unauthorised use of electricity common LT service connection No.09201032552, which is connected to common area lighting, security room lighting, R.O. water treatment plant etc. When these service connections are provided with electronic meters, which cannot be tampered with and without even analysing whether the flat owners of the petitioner premises are tampering with any of the service connection, the second respondent wrongly passed the impugned order without calling for any explanation. Adding further, it is stated that when the petitioner premises has been covered with two common LT service connections, one coming under commercial tariff and the other common LT service connection is for common area lighting, security room lighting, R.O. water treatment plant etc, the present impugned CC bill issued to the petitioner without giving any reasons is liable to be set aside.

3. The learned counsel for the petitioner has also drawn the attention of this Court to one another proceedings dated 22.04.2019 passed by the Assistant Engineer, CEDC/South, TNEB stating that the petitioner premises is also using the aforesaid service connection for commercial purpose by using it for common R.O. water plant.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner has rightly indicated to this Court in the presence of Mr.S.K.Rameshuwar, the learned Standing Counsel for the respondents, that the petitioner premises is given two common LT service connections, one coming under the commercial tariff and the other common LT service connection No.09201032552 is exclusively for common area lighting, security room lighting, R.O. Water treatment plant

etc, and he sought time to get instructions. But, Mr.S.K.Rameshuwar, the learned Standing Counsel for the respondents has fairly submitted that the petitioner premises is given two common LT service connections and has decided to withdraw the extra connection provided with reference to the impugned CC proceedings and the learned Standing Counsel has also stated that the amount already paid by the petitioner will be adjusted towards the future CC charges.

5. Recording the above statement, this writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.
- 2.The Assistant Engineer,
Chennai South Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), Adyar.

+1 cc to Mr.R.S.Pandiyaraj, Advocate, Sr.No. 40986

+1 cc to Mr.S.K.Rameshuwar, Advocate, Sr.No. 40370

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CSL/26.06.2019

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