

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.25037, 25072, 25078 & 25085 of 2019
and
W.M.P.Nos.24603, 24606, 24646, 24647, 24652, 24654, 24657
& 24659 of 2019

M.Panneerselvam .. Petitioner in WP.No.25037/2019
D.Vijayakumar .. Petitioner in WP.No.25072/2019
M.Somasundaram .. Petitioner in WP.No.25078/2019
S.Kamalam .. Petitioner in WP.No.25085/2019

/Versus/

The Assistant Engineer,
Tirupur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
Karuvalur-641 670.
Tirupur District.

... Respondent in all WPs

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relates to the impugned demand notice dated 28.06.2019 vide Ka.Enn.U.MI.PO/I.PE/Karu/Ko/No. / 2019 issued by the respondent against the petitioner's power Loom unit Electricity Service Connection Nos.177-001-409, 177-001-491, 177-001-492 and 177-001-287 respectively and quash the same as illegal and unconstitutional and consequently direct the respondent to collect the electricity consumption charges under Tariff category of III A2 to the petitioner power loom unit.

For petitioner in all WPs : Mr.A.V.Raja

For Respondent in all WPs : Mr.S.K.Rameshuwar
Standing counsel

COMMON ORDER

Heard the learned counsel for the petitioners and the learned Standing counsel for the respondent.

2. The grievance of the petitioners is that they are running power loom using electricity supplied by the respondent since 2012. They are charged under the tariff III A2. However, all of a sudden, the respondent has issued a demand notice to the petitioners dated 28.06.2019 that their consumption falls under the tariff III B and therefore, liable to pay the difference in the consumption charges, failing which, service will be disconnected.

3. The learned counsel for the petitioners contending that the impugned notice was issued without affording an opportunity to the petitioners with retrospective effect and contrary to the Supply Code.

4. On notice, the learned Standing counsel for the respondent appeared and submitted that pursuant to the revised tariff rate with effect from 11.08.2017 contracted load for power looms not exceeding 12 KV and 750 units bi-monthly, power is supplied at free of cost. Between 500 units and 1200 units, charge calculated on slab rate. As per the tariff III A2, whenever the power loom exceeded the consumption of 1500 units bi-monthly, they fall under tariff III B. As per the Code, industries which do not fall under low tension III A1 and III A2 and connect with load exceeded 12 KV they have to be charged at higher rate. Accordingly, the petitioners power loom consumption has exceeded 1500 units and therefore, the respondent converted the tariff from III A2 to III B and issued notice. The learned Standing counsel for the respondent would also submit that in the impugned notice the petitioners were given liberty to make representation if they need any clarification.

5. On hearing the learned counsels and perusing the records, this Court finds that the notice issued by the respondent though appear as demand notice, it provides an opportunity to the petitioners to give explanation on demand notice and in fact the petitioners have given their representation dated 16.07.2019 to reconsider the demand. Therefore, it is suffice to direct the respondent herein to consider the representation of the petitioners dated 16.07.2019 and pass appropriate orders in accordance with law as per the prevailing the tariff rules. The orders shall be passed within a period of four weeks from the date of receipt of this order. Till the date of passing the order on the representation of the petitioners no coercive action shall be taken.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

rpl

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Assistant Engineer,
Tirupur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
Karuvalur-641 670.
Tirupur District.

+4CCs to Mr.A.V.Raja, Advocate, SR.No.76666
+1cc to Mr.S.K.Rameshuwar, Advocate, SR.No.76983

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and

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of 2019

Kak (30/09/2019)

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