

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.Nos.3459 to 3461 of 2006

C.M.P.Nos.2 & 2 of 2006

M/s.Jain Irrigation System Ltd.,
rep.by its Senior Vice President
M/s.Shanthi Kumar Kataria,
No.90, Ellayamuthur
Udumalpet Taluk,
Coimbatore District-642 152. ..Appellant in all appeals

Cause title amended vide the order of this Court dated
26.09.2007 made in M.P.Nos.1, 1 & 1 of 2007 in C.M.A.Nos.3459 to
3461 of 2006.

vs.

1. The Tamil Nadu Electricity Regulatory Commission,
Rep.by its Chairman,
No.17, Third Main Road,
Seethammal Colony,
Alwarpet,
Chennai-600 018.
2. The Tamil Nadu Electricity Board,
Rep.by its Chairman,
No.800, Anna Salai,
Chennai-600 002.
3. The Superintendent Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet Taluk,
Coimbatore District.
4. The Executive Engineer, O & M
Udumalpet Electricity Distribution Circle,
Udumalpet-642 146,
Udumalpet Taluk,
Coimbatore District. .. Respondents in all appeals.

PRAYER IN C.M.A.No.3459 OF 2006 : Civil Miscellaneous Appeal filed under Section 27 of the Electricity Regulatory Commission Act, 1998, against the Letter No.TNERC/DT/TC/F.TR/C.40/D160/2005 dated 21.02.2005 passed by the first respondent.

PRAYER IN C.M.A.No.3460 OF 2006 : Civil Miscellaneous Appeal filed under Section 27 of the Electricity Regulatory Commission Act, 1998, against the Letter No.TNERC/DT/TC/F.TR/C.40-1/D354/2005 dated 26.04.2005 passed by the first respondent.

PRAYER IN C.M.A.No.3461 OF 2006 : Civil Miscellaneous Appeal filed under Section 27 of the Electricity Regulatory Commission Act, 1998, against the Letter No.TNERC/DT/TC/F.TR/C.168/D621/2005 dated 15.07.2005 passed by the first respondent.

In all appeals

For Appellant

: Mr.P.T.Ramadevi

For Respondents

:Mr.V.Viswanathan for RR2 to 4

COMMON JUDGMENT

The Civil Miscellaneous Appeals are filed questioning the letters dated 21.02.2005, 26.04.2005 and 15.07.2005 issued by the first respondent.

2. The learned counsel appearing for the appellant reiterated that as per the determination of Tariff for Generation and Distribution issued by the Tamil Nadu Electricity Regulatory Commission dated 20.06.2013, this tariff is applicable irrespective of ownership of land if the usage of electricity is for agriculture and its allied activities.

3. However, when the question of maintainability is raised, all those merits cannot be adjudicated by this Court in the present appeals. Section 185 of the Electricity Act provides repeal and saving. Accordingly, the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commissions Act, 1998 are hereby repealed. The letter issued by the first respondent alone is under challenge in the present Civil Miscellaneous Appeals.

4. The appeals on hand are filed under Section 27 of the Erstwhile Act. Therefore, the appeals are not entertainable. However, the appellant is at liberty to approach the competent authority/forum for the purpose of redressing their grievances. In the event of filing any petition or appeal, the pendency of the appeal before this Court is also to be taken into

consideration for the purpose of condoning the delay if any. With these observations, the Civil Miscellaneous Appeal Nos.3459 to 3461 of 2006 stand dismissed as not-maintainable. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SSB

To

1. The Chairman,
Tamil Nadu Electricity Regulatory Commission,
No.17, Third Main Road,
Seethammal Colony,
Alwarpet,
Chennai-600 018.
2. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
3. The Superintendent Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet Taluk,
Coimbatore District.
4. The Executive Engineer, O & M
Udumalpet Electricity Distribution Circle,
Udumalpet-642 146,
Udumalpet Taluk,
Coimbatore District.

+1 cc to Mr.V.Viswanathan, Advocate SR.No.15738

C.M.A.Nos.3459 to 3461 of 2006
C.M.P.Nos.2 & 2 of 2006

GA (CO)
TE (17/04/2021)