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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12323 OF 2016

AND

W.M.P.NO.10654 OF 2016

M/s.Ucal Fuel Systems Ltd., HTSC No.1709,
11 b/2 (S.P), Ambit Park Road,
Ambattur Industrial Estate,
Chennai 600 058 repd. by its
Authorised Signatory Ram Ramamoorthy

...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 Executive Engineer / O & M,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Ambattur, Chennai.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his impugned order Lr.No.EE/O&M/ ABT/AE/R46/F.TOE/D.368/16 dated 24.03.2016 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004 and consequently direct the 2nd respondent to continue the petitioner's service connection no.1709 under HT Tariff 1A which is utilized for inspection and quality check of carburetors and fuel pumps manufactured by the petitioner industry.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO

O R D E R

The order impugned, dated 24.03.2016 is an assessment order passed after providing an opportunity to the writ petitioner.



The petitioner states that it is an 'Industry' and sanctioned with High Tension Services. However, the impugned order passed by the respondents reveals that the petitioner was treated as a 'Non-Industry' and considered as a 'Research Laboratory'.

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2. Contrarily, the learned counsel for the petitioner drew the attention of this Court with reference to the tariff order in SMT No.9/2014 passed by the Tamil Nadu Electricity Regulatory Commission wherein, the High Tension Tariff I A is applicable to all manufacturing and industrial establishments and registered factories including Tea Estates, Textiles, Fertilizer Plants, Steel Plants, Heavy Water Plants, Chemical Plants.

3. With reference to the above Regulation, the learned counsel for the petitioner brought to the notice of this Court that the Inspector of Factories issued a license book and the petitioner possessed all relevant documents to establish that they are an 'Industry'.

4. In view of the fact that the petitioner claims that it is an 'Industry' and the impugned order has been passed on the ground that the petitioner is a 'Research Laboratory', this Court is of the opinion that a fresh consideration has to be shown in respect of the issue raised.

5. Consequently, the impugned order passed by the second respondent in Lr.No.EE/O&M/ABT/AE/R46/F.TOE/D.368/16 dated 24.03.2016 is quashed and the matter is remitted back to the second respondent for fresh consideration, by providing an opportunity to the petitioner and thereafter, take a decision on merits and in accordance with law. In this regard, the petitioner is permitted to submit additional explanations / documents, if any, within a period of two(02) weeks from the date of receipt of a copy of this order and on receipt of such explanations as well as documents, the second respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of six(06) weeks thereafter.

6. Accordingly, this Writ Petition stands Allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

sts/shr



To:

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

2.The Executive Engineer / O & M,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Ambattur, Chennai.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.66970

W.P.No.12323 of 2016

EV(CO)
RVM(06/01/2022)