



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.Nos.27540 to 27548, 26925 of 2009
and M.P.No.2 of 2009(2), M.P.No.3 of 2009 (2)
and M.P.No.4 of 2009

M/s.Infosys Technologies Limited,
Rep by its Senior Manager Ms Bargavi Natesan,
No.138, Old Mahabalipuram Road,
Sholinganallur,
Chennai - 600 119.

...Petitioner in all WPs

Vs.

1. The Assistant Executive Engineer
Operation & Maintenance,
Tamilnadu Electricity Board,
Taramani.

2. The Executive Engineer,
Operation, Taramani,
230 KV, Taramani SS Complex,
Perungudi By-Pass Road,
Chennai - 600 113.

3. The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.

...Respondents in all WPs

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Lr.No.AEE/TMNL/F.Violation/D.Nil/2008 dated 15.05.2008 and the consequential order of the second respondent in EE/Q/TMY/F.Dec/D.No.434/2002 dated 03.12.2009 quash the same and further direct the respondents to follow the decision of this Court in 1999-2-LW.15.(The Government of Tamilnadu and another Vs R.Raju)

For Petitioner : Mr.V.Sundareswaran
(in all WPs)

For Respondents: Mr.L.Jai Venkatesh
(in all WPs) For TANGEDCO



COMMON ORDER

The Order of demand as well as the appellate order passed by the Executive Engineer, Operation, Taramani, Chennai, for payment of consumption charges under tariff is under challenge in the present Writ Petitions.

2. The grievances of the Writ Petitioner is that they entered into a lease with the owners of 10 flats for the purpose of running Guest House to provide accommodation to the employees working in the petitioner's company.

3. The learned counsel for the petitioner made a submission that the leased out flats are utilised as Guest Houses for providing accommodation to the employees working in the petitioner's company and there was no commercial activities, whatsoever, in the said flats. Thus, the electricity consumption charges demanded over and above the domestic charges are not in accordance with law.

4. The appeal filed by the petitioner was rejected by the 2nd / Executive Engineer on the ground that the petitioner company utilised the flats as Guest House and such Guest House would not fall under the domestic category. Therefore, they have changed the tariff and accordingly demanded the differential consumption charges. It is not in dispute that the petitioner company had already settled the demanded amount long back.

5. The 2nd respondent / Executive Engineer on appeal considered the definition of domestic purposes, Guest House and the scope of application of domestic tariff in respect of Guest Houses. However, the learned counsel for the petitioner reiterated that when the flats are not utilised for commercial purposes, then there is no reason to collect electricity consumption charges over and above the domestic tariff. Thus, the orders are to be set aside.

6. This Court is of the considered opinion that the definition and explanations offered require further adjudication. The Electricity Board has to come out with a clear definition of domestic tariff and also the definition for Guest Houses and other establishments. The petitioner is at liberty to approach the Consumer Grievance Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code. The forum is competent to consider all such issues on merits and take a decision.

7. In view of the fact that the examination of tariff and the definition, meanings requires interpretation by the Board,



this Court is of the considered opinion that an elaborate adjudication is required with reference to the facts as well as the grounds raised by the petitioner.

8. In view of this matter, the petitioner is at liberty to submit an application before the Consumer Grievance Redressal Forum constituted under the Tamil Nadu Electricity Supply Code. In the event of filing any such application, the forum shall entertain the application, taking into consideration the period during which the Writ Petition was pending before this Court, for the purpose of condoning the delay if any and decide the issues on merits and in accordance with law as expeditiously as possible.

9. With these observations the Writ Petitions stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shr/kan

To

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3. The Chairman,
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No.800, Anna Salai,
Chennai - 600 002.

+lcc to Mr.L.Jaivenkatesh, Advocate, S.R.No.65924

+lcc to Mr.V.Sundareswaran, Advocate, S.R.No.65725

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GP(CO)

RGA(04/01/2022)