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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14951 OF 2021

AND

W.M.P.NO.15838 OF 2021

M/s.Rajsriya Automotive Industries Pvt. Ltd.,
Represented by its Sr.Manager - HR & Admin,
Mr.K.Shankar, age 47 years,
S/o.E.Kannappan,
Having its Registered office at
Ground Floor, 95, Harrington Road,
Chetpet, Chennai - 600 031.

... Petitioner

.Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
10th Floor, 144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board O & M,
SIPCOT - I, Hosur - 635 125.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 636 705.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records, relating to the 2nd respondent impugned demand letter bearing Lr.No.Asst.Eng./O&M/SIPCOT-I/Ko.Audit/No./2021 dated 01.06.2021 [க.எண்.உ.பொ./இ.உ.ப./சிப்காட் -I கோ.தணிக் கை/எண்/2021 நாள் 01.06.2021] and quash the same as contrary to law, defective and arbitrary.

For Petitioner : Mr. S.Satish

For Respondents : Mr. L.Jai Venkatesh
Standing Counsel



O R D E R

Challenging the demand letter dated 01.06.2021 in Lr.No.Asst.Eng./O&M/SIPCOT-I/Ko.Audit/No./2021 [க.எண்.உ.பொ./இ.&ப./சிப்காட்-I கோ.தணிகை/எண்/2021 நாள் 01.06.2021] issued by the second respondent as contrary to law, defective and arbitrary, the present writ petition has been filed.

2. The case of the petitioner is that it is a company, which is having two service connections, one service connection is using for motive power(used for inductive purpose) and another one is using for welding purpose.

3. While so, the second respondent, by his letter dated 04.12.2020, made a huge demand of Rs.15,69,105/- stating that the said demand was based on the Audit slip No.485 dated 28.11.2019 in respect of non-adoption of welding set surcharge in respect of service connection No.065-004-43. In reply, the petitioner has sent a letter dated 05.02.2021 stating that welding service surcharge was duly paid. However, the respondent passed the impugned order as if it is calculated wrongly and demanded a huge sum. Aggrieved over the same, the petitioner has come before this Court by way of this petition.

4. The learned counsel for the petitioner submitted that without considering the letter dated 15.06.2001 submitted by the petitioner to the third respondent /Superintending Engineer, the second respondent has passed the impugned order, due to the wrong calculation of the electricity charge and demanded the huge sum. Hence, this Court may please to set aside the impugned order and remand the matter back to the authorities for fresh consideration and permit the petitioner to produce a copy of the inspection report of the third respondent /Superintending Engineer so as to enable them to assess the electricity charges properly within a reasonable time.

5. The learned Standing counsel appearing on behalf of the respondents has no objection for remitting the matter back to the second respondent for fresh assessment.

6. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent and perused the materials available on record.

7. Considering the facts and circumstances of the case and without going into the merits of the case, this Court is inclined to pass the following directions:



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- a. the matter is remitted back to the second respondent for fresh assessment of the electricity connection;
- b. the petitioner is directed to produce all relevant documents and also the inspection report of the third respondent dated 15.06.2018; and
- c. the entire process shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
10th Floor, 144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board O & M,
SIPCOT - I, Hosur - 635 125.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Ltd.,
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 636 705.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.58362
+2ccs to Mr.P.Sivagamnathan, Advocate, S.R.No.58159

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and
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NMI (CO)
PM/21/12/2021