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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.Nos.1047 to 1055 of 2014
and
M.P.Nos.2 of 2014 (9)

W.P.No.1047 of 2014:

LANCOR HOLDINGS LIMITED,
G+3, 'B' Block, Common
Kakkan Street, West Potheri,
Kancheepuram District - 603 203
Rep. by its Deputy General Manager
-Commercial Services,
Mr.J.M.Chandrasekar.

... Petitioner in all WP's

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600002.
2. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Generation and Distribution
Corporation/Tamil Nadu Electricity Board,
Kattankulathur Division,
Kancheepuram District - 603 209.
3. Abode Valley Owners Association
Represented by its President
Mr.S.Gopalakrishnan
No.54, Kakkan Street, Potheri
Kanchipuram District 603 203

...Respondents in all WP's

(R-3 in the above Writ Petitions impleaded vide order of the Court dated 21.12.2021 in W.M.P.Nos.29009, 29011, 29012, 29014, 29015, 29016, 29018, 29019, 29020 of 2021 in W.P.Nos.1047 to 1055 of 2014)



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent herein made in Ka.No.U.Mi.Po/E & Pa/Ka. Kulathur/Ko. BOAB, Audit A.No.93/.../2013 dated 23.09.2013 in respect of Service connection No.567-013-1758, 567-013-1759, 567-013-1760, 567-013-1761, 567-013-1963, 567-013-1964, 567-013-1965, 567-013-1966, 567-013-1967 respectively demanding a sum of Rs.1,94,463/-, Rs.1,36,305/-, Rs.2,62,956/-, Rs.3,99,770/-, Rs.2,51,384/-, Rs.1,06,422/-, Rs.2,85,930/-, Rs.1,62,340/- respectively and to quash the same and to further direct the 2nd respondent in future also to levy the tariff as per the recommendation of the Tamil Nadu Electricity Regulatory Commission Order No.1 of 2012 dated 30.03.2012 (effective from 01.04.2012) and T.P.No.1 of 2013 order dated 20.06.2013 (effective from 21.06.2013) under Tariff 1A (Domestic).

For Petitioner : Mr.B.Ravi Raja
in all WP's

For Respondents 1 & 2 : Mr.L.Jai Venkatesh
in all WP's for TANGEDCO

For Respondent 3 : Mr.I.Jayasing Manoharan
in all WP's

C O M M O N O R D E R

The demand raised for the payment of consumption charges within a period of 7 days, in proceedings dated 23.09.2013 is under challenge by the petitioner, who is a builder.

2. The petitioner company promoted a Residential Complex called Abode Valley at No.54, Kakkan Street, Potheri, which was categorized as domestic under tariff 1A by the Electricity Department. Admittedly, common facilities are provided, namely, lift, staircase and car parking etc,. Beyond that, other facilities such as swimming pool, sports complex, convenient store, ATM, Maintenance Office were also provided. However, those facilities are categorized as commercial under tariff V by the Electricity Department and was assessed as commercial.

3. The learned counsel for the petitioner reiterated that the commercial tariff was separately classified and they are



paying the consumption charges as per the commercial tariff. Thus, there is no infirmity in respect of payment of consumption charges to the Electricity Board and consequently the demand is infirm.

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4. It is brought to the notice of this Court that the apartment owners formed an Association and the petitioner had handed over the maintenance to the Association along with all the documents. Now, the residential building is under the control and maintenance of its owners' association and they are paying the consumption charges.

5. The Writ Petitions are filed challenging the demand. The demand states that the petitioner / builder is liable to pay consumption charges.

6. The learned counsel appearing on behalf of the impleaded respondent (3rd respondent) states that the demand notice was issued prior to taking over of the maintenance by the owners' association. However, the consumption charges have to be paid and in the event of any such disputes with reference to the consumption charges, the parties are bound to approach the Appellate Authorities or the Consumer Grievance Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code, as the case may be.

7. The disputed facts cannot be adjudicated in a Writ proceedings, such issues require examination of documents and evidences with reference to the facts and circumstances. In the absence of any such adjudication, the High Court will not be in a position to form an opinion as to whether the demand is raised in accordance with consumption or otherwise.

8. Thus, the petitioner or the owners of the flats are at liberty to approach the Appellate Authorities under the Tamil Nadu Electricity Supply Code or before the Consumer Grievance Redressal Forum, which ever is applicable, for the purpose of redressal of their grievances in the manner known to law.

9. In the event of approaching the forum, the forum shall consider the period during which the Writ Petitions were pending before the High 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.

10. The learned counsel for the petitioner made a submission that 50% of the demand raised had already been paid. The said amount shall be adjusted appropriately.

11. With these observations, the Writ petitions stand



disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600002.
2. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Generation and Distribution
Corporation/Tamil Nadu Electricity Board,
Kattankulathur Division,
Kancheepuram District - 603209.
3. The President,
Abode Valley Owners Association
No.54, Kakkan Street, Potheri
Kanchipuram District 603 203

+1cc to Mr.I.Jaya Singh Manoharan, Advocate, S.R.No.68552

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.68561

+2ccs to Mrs.B.Raviraja, Advocate, S.R.No.68578

W.P.Nos.1047 to 1055 of 2014

SSD(CO)
SU(19/01/2022)