



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18700 of 2019

and

W.M.P.No.18045 of 2019

M/s. Brilliant Alloys (P) Ltd.,
Rep. by its Managing Director,
D.S.Rajkumar
13/15, Vinnavanur Road,
Paichal, Senam- 636 701,
Tiruvannamalai,
Tiruvannamalai District.

...Petitioner

-vs-

1. The Chairman,
Tamilnadu Generation and Distribution Corporation Ltd.,
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 006.
2. The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Tiruvannamalai Electricity Distribution Circle,
Tiruvannamalai - 606 604,
Tiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order in Lr.No.SE/ TEDC/ TL/ AO/ Rev/ RCS/ A1 /File 69/ A No.526/2017 dated 30.05.2017 passed by the 2nd respondent so far as the disputed liability of Rs.54,50,751/-, quash the same and consequently direct the respondents to refund the deposits and interest occurred thereon after adjusting the admitted liability of Rs.2,16,85,152/-.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.L.Jaivenkatesh

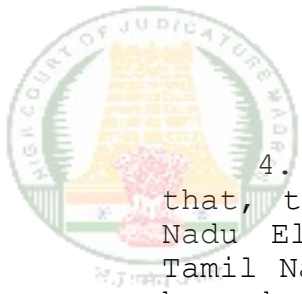


ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the impugned order dated 30.05.2017 passed by the 2nd respondent and to quash the same and to consequently direct the respondents to refund the deposits and interest occurred thereon after adjusting the admitted liability.

2. The case of the petitioners is that petitioner company was established for manufacturing steel ingots and had availed the High Tension E.B Service Connection No.69 subject to the payment of deposit amount of Rs.2,21,83,330/- and security deposit of Rs.40,000/- . The petitioner's unit had stopped its production and it was duly intimated to all the statutory authorities concerned. Thereafter, the petitioner made a representation dated 16.05.2015 to extend the time till the end of May 2015 to pay the consumptions charges till 27.05.2015. However, the petitioner was unable to make the payment and as a result, the service connection was disconnected. Such being the circumstance, the respondents issued a notice dated 26.08.2015 and have terminated the agreement. Therefore, the petitioner made another representation dated 19.10.2016 before the 2nd respondent to refund the deposit made, after adjusting the consumption charges for the month of April and May 2015. However, the 2nd respondent sent an impugned communication dated 30.05.2017 in Lr.No.SE/ TEDC/ TL/AO/ Rev/ RCS/ A1 /File 69/ A No.526/2017, demanding Rs.41,38,576/- after adjusting the deposits and interest accrued thereon to the tune of Rs.2,30,26,257/-. Aggrieved over the said impugned order dated 30.05.2017, this Writ petition is filed.

3. Learned counsel appearing for the Petitioner submitted that though the respondents are well aware of the disconnection of the electricity service connection, they have passed the impugned demand notice without providing an opportunity of hearing to the petitioner. He further submitted that, the petitioner is disputing the demand notice with regard to the payment of consumption charges and other arrears charges for the period of April and May 2015. However, the petitioner is not aggrieved over the collection of Minimum charges for a period of six months during the year 2015, however, the petitioner is aggrieved over the collection BPSC charges. Hence, he submitted that, it would suffice, if this Court permit the petitioner to pay the minimum charges as demanded by the respondents in their Counter affidavit and remand the matter to the respondents for reconsideration with regard to the BPSC charges.



4. Learned counsel appearing for the Respondents submitted that, the impugned order dated 30.05.2017 based on the Tamil Nadu Electricity Regulatory Commission's Code and Regulations Tamil Nadu Electricity Supply Code only and are in order. Hence, he submitted that there is no need for re-consideration of the issue and since it is a disputed question of fact, the same cannot be adjudicated in this Writ petition. Hence, he prays for dismissal of the present Writ petition.

5. Heard the arguments advanced by the learned counsel on either side.

6. Admittedly, the petitioner's Electricity Connection was disconnected on 27.05.2015 and it appears that the consumptions charges are due from April 2015 onwards and respondents vide impugned order dated 30.05.2017 in Lr.No.SE/TEDC/TL/AO/Rev/RCS/A1/File 69/A No.526/2017 demanded consumption charges for the month of April and May 2015 to the tune of Rs.2,16,85,152/- and apart from the above consumption charges, the respondents have also demanded Minimum charges of Rs.27,42,000/- and BPSC charges of Rs.23,64,217/- along with other arrears fees which amount to a total sum of Rs.2,71,64,833/- and after adjusting the same with the deposit made by the petitioner, the balance amount to be recovered from the petitioner is calculated as Rs.41,38,576/-. Since the petitioner has agreed to pay the Minimum charges for six months, and his only grievance is with regard to the BPSC charges of Rs.23,64,217/-. Hence, this Court is inclined to issue direction to the petitioner to pay the Minimum charges of Rs.27,42,000/- within a period of six weeks from the date of receipt of a copy of this order and on receipt of such amount, the respondents may decide upon the BPSC charges, keeping in mind that, the petitioner unit is sick and it is already under liquidation. The impugned order dated 30.05.2017 in respect of BPSC charges alone is set aside and matter is remanded to the respondents for reconsideration.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt



To:

1. The Chairman,
Tamilnadu Generation and
Distribution Corporation Ltd.,
10th floor, NPKRR Maaligai,
144, Annasalai,
Chennai - 600 006.
2. The Superintending Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Tiruvannamalai Electricity Distribution Circle,
Tiruvannamalai - 606 604.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.65492

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.65677

W.P.No.18700 of 2019
and
W.M.P.No.18045 of 2019

GPL(CO)
SU(22/02/2022)