



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35807 of 2007
and
M.P.No.2 of 2007

N.S.Sivaraj,
S/o N.K.Subramaniam,
Proprietor, Sri Bannariamman Industry,
Marappampalayam Road,
Kavundapadi - 638 455.

... Petitioner

Vs.

1.Tamil Nadu Electricity Ombudsman,
No.17, Third Main Road,
Seethammal Colony,
Alwarpet, Chennai - 600 018.

2.The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board, Erode-1.

3.The Assistant Executive Engineer (Rural),
Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Kavundapadi - 638 455,
Bhavani Taluk, Erode District.

4.The Junior Engineer (Rural),
Tamil Nadu Electricity Board,
Kavundapadi - 638 455,
Bhavani Taluk, Erode District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 26.10.2007 made in O.P.No.11 of 2007 passed by the 1st respondent herein confirming the orders dated 06.11.2006 made in க/எண்.மெ/பா/டிபா/நிபவ / ந / கது / வஜலி / கது / எண் 380 / கொ/மி/ந/எண் 847 / மா/பா / 06 and the order dated 11.06.2007 made in க/எண்/மெ/பா/டிபா/நிபவ / ந / கது / வஜலி / கது / எண் 386 / கொ/மி/ந/எண் 847 / மா/பா/ளையம் / 07 passed by the 2nd respondent herein, quash the same and consequently, direct the respondents 2 to 4 herein to refund the excess tariff charges paid by the petitioner herein in respect of LTCT SC.No.847 III B Kavundapadi Circle.



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For Petitioner : Mr.N.Manokaran
For Respondents : Mr.Abulkalam
Standing Counsel (TNEB)

O R D E R

This writ petition has been filed challenging the order of the first respondent, dated 26.10.2007 made in O.P.No.11 of 2007 confirming the orders dated 11.06.2007 and 06.11.2006 and consequently, directing the respondents 2 to 4 to refund the excess tariff charges paid by the petitioner.

2.The petitioner would claim that he is the Proprietor of Sri Bannari Amman Industry and he is manufacturing coconut shell powder. The Industry was provided with the electricity service connection No.847 - Tariff III B with a sanctioned load of 135 H.P in LTCT line, subsequently, additional load of 13 HP was granted. The power connection was given on 10.12.2003, however, in the month of March 2004, there was some defect in the meter.

3.The petitioner would state that the third respondent in his latter dated 01.09.2005 informed him that the unit has consumed electricity over and above the sanctioned load of 102 KV in the month of July and August 2005 and hence, they imposed penalty. The fourth respondent issued demand notice dated 14.03.2006 demanding a sum of Rs.10,51,552/- for the alleged excess utilization of electricity over and above the sanctioned strength.

4.The learned counsel appearing for the petitioner Mr.N.Manokaran would state that the orders dated 06.11.2006, 11.06.2007 and 26.10.2007 issued by the respondents are contrary to law and provision of the Tamil Nadu Electricity Code. According to the learned counsel, the petitioner was not provided adequate opportunity and hence, the orders impugned in this writ petition is liable to be set aside.

5.Per contra, the learned Standing Counsel Mr.Abulkalam would state that the demand has been made in accordance with law and the original demand of Rs.10,51,552/- was revised and the liability of the petitioner would be Rs.7,59,193/-. It is also stated that the petitioner before the first respondent, had admitted to pay the amount in instalments, hence, this writ petition is not maintainable in law.

6.In reply, the learned counsel appearing for the petitioner would state that out of the demand of Rs.7,59,193/-, the petitioner so far paid Rs.6,21,864/-, but he is having apprehension that if any default in instalment, the electricity connection would be disconnected.



7. Considering the facts and circumstances, I find no merit in this writ petition. Hence, this writ petition is dismissed, however, the petitioner shall pay the balance amount in 10 equal monthly instalment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skn
To

1. The Tamil Nadu Electricity Ombudsman,
No.17, Third Main Road,
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+1 cc to Mr.V.Manokaran, Advocate Sr.NO. 24348

W.P.No.35807 of 2007
and
M.P.No.2 of 2007

NMI (CO)
A.SK(04/05/2022)