

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.14860 of 2016
and
W.M.P.Nos.12996 & 12997 of 2016

M.Raja ... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
Chennai - 2.

2. The Assistant Executive Engineer,
(O&M)/ TANGEDCO, KEDC,
Periyapalayam,
Tiruvallur District.

3. The Assistant Executive Engineer,
Enforcement, TANGEDCO,
Kancheepuram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents particularly that of the respondents 2 and 3 dated 11.04.2016 and quash the same as illegal unlawful, without jurisdiction besides ultra vires and consequently forbear the respondents from in any manner interfere with nor disturb the petitioner from peacefully using and enjoying the electricity supply connection No.373-003-109 TF IV.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Ms.V.Revathy
for Mr.L.Jaivenkatesh
Standing Counsel for TANGEDCO

O R D E R

The petitioner seeks to challenge the demand of a sum of Rs.59,145/- imposed on him for improper use of free energy that is supplied for agricultural pump-sets.

2. The petitioner is provided with an agricultural service connection free of cost in account No.373-003-109, which was meant for agricultural purpose. One Madhavan, a resident of same village was provided with a commercial service connection bearing No.373-003-598/V for the purpose of fancy fish rearing. The tariff applicable for the service connection was commercial tariff. Upon inspection, the authorities found that the petitioner has allowed his service connection to be utilized for the purpose of fancy fish rearing done by Madhavan. It was deemed that it amounts to improper use of energy / theft of energy. Hence, the Authorities issued impugned demand notice requiring the petitioner to pay a sum of Rs.59,145/-.

3. The learned counsel for the petitioner would invite my attention to point No.6.20 of Tariff for Generation and Distribution order dated 11.12.2014 to contend that the fancy fish rearing would also form part of agricultural activities. The learned counsel would rely upon paragraph 6.20(i) which reads as follows:

i. This tariff is applicable for pumping of water/ supply of water to all agricultural and allied activities such as cultivation of food crops, vegetables, seeds, trees and other plants. Sericulture, floriculture, horticulture, mushroom cultivation, cattle farming, poultry and other bird farming, fish/ prawn culture carried out as allied activities of agriculture shall be construed as agricultural activities.

4. It is clear from a reading of the above provision that fish/prawn culture can be treated as an agricultural activity, only if it is carried out as an allied activity of agriculture. In the case on hand, admittedly, the petitioner was not doing any agricultural activity, the only activity viz., fish culture was done by Madhavan by improper use of water from the free agricultural service connection given to the petitioner. Therefore, this activity cannot be treated as an agricultural activity as it is not an allied activity of agriculture.

5. Hence, this writ petition fails and it is accordingly dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Chairman,
TANGEDCO,
Chennai - 2.
2. The Assistant Executive Engineer,
(O&M)/ TANGEDCO, KEDC,
Periyapalayam,
Tiruvallur District.
3. The Assistant Executive Engineer,
Enforcement, TANGEDCO,
Kancheepuram.

WP.No.14860 of 2016

PL(CO)
UMA(26/07/2022)