

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26184 of 2019
and W.M.P.Nos.25547 and 25548 of 2019

M/s.Tirumala Milk Products (P) Ltd.,
rep.by its Assistant Manager-Legal, Mr.R.Sakthinathan
Old No.1418/2A1&2B1,
No.75/8,200 feet Ring Road,
Thirumalai Nagar Extension,
near Retteri Junction,
Madhavaram, Chennai 600 099.

... Petitioner

Vs.

1.Tamil Nadu Electricity Board,
rep.by its Chairman,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.

2.TANGEDCO
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.

3.The Assistant Audit Officer,
AP1/Audit Branch, TANGEDCO,
Villupuram.

4.The Junior Engineer (South),
O&M/Town/TANGEDCO,
Chengam 606 709.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Calling for the records culminated in Su / En.umipo / E and B / Nagar Chengam / Ko. Thanikkai / A.En / 2019-2020 dated 20.06.2019 passed by the 4th Respondent and quash the same as unsustainable in law.

For Petitioner : Mr.G.Abraham Prabhu

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

The petitioner has filed this petition for issuance of Writ of Certiorari to call for the records culminated in Su / En.umipo / E and B / Nagar Chengam / Ko. Thanikkai / A.En / 2019-2020 dated 20.06.2019 passed by the 4th Respondent and quash the same as unsustainable in law.

2. The petitioner is a Company registered under the Companies Act, 1956 and engaged in the manufacturing and marketing of Milk and Milk products under the name and style of ''Tirumala Milk'' and the petitioner has one of its chilling unit in Guilam Village, Chengam Taluk, Tiruvannamalai as a cold storage of its milk. The petitioner has duly obtained its electricity connection under category Tariff III B vide service connection 321-008-458 and they have been charged under the tariff III B as it comes under the purview of 'Diary' products as mentioned in the Tariff schedule. While so, the 4th respondent has sent a letter dated 20.06.2019, directing the petitioner to pay the revised tariff of Rs.15,63,343/- as per the observation of their audit department. It is alleged by the petitioner that in the audit slip dated 08.04.2019, the 3rd respondent has mentioned that as per the clarification order dated 19.01.2019, the existing tariff III-B of petitioner to be charged and calculated under the Tariff V on review and further it has mentioned that since it was incorrectly mentioned in the petitioner's application to obtain EB, it has caused revenue loss to the Department and so the petitioner has to be charged from the period of 06/12 to 03/19. Aggrieved by the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that during the pendency of this Writ Petition, the respondents have recalled the impugned order dated 20.06.2019.

4. The learned Standing Counsel appearing for the respondents did not dispute the fact submitted by the learned counsel for the petitioner and submitted that initially all cold storage units which were classified under category Tariff III B, were reclassified and calculated under the Tariff V on review. Later vide T.A.No.1 of 2020, dated 02.02.2021, once again the entire cold storage units were classified under category Tariff III B and thereby, the respondents Board recalled the impugned order issued against the petitioner.

5. In view of the submissions of the respective learned counsel appearing on either sides, since the impugned order has been recalled, this Writ Petition is allowed and further if any

amount paid towards the demand notice, the said amount will be deducted in the future tariffs. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.
- 2.TANGEDCO
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.
- 3.The Assistant Audit Officer,
AP1/Audit Branch, TANGEDCO,
Villupuram.
- 4.The Junior Engineer (South),
O&M/Town/TANGEDCO,
Chengam 606 709.

+1cc to Mr.L.Jaivenkadesh, Advocate, S.R.No.2049

W.P.No.26184 of 2019

SRA(CO)
SB(23/02/2022)