



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.2142 of 2012 and
M.P. (MD) .No.1 of 2012

Jayadevi Mills P Limited,
represented by its President
S.Bharani Maheswaran,
HTSC No.182,
Melakannamangalam,
Tamilpadi (PO) - 626 129,
Aruppukottai.

... Petitioner

Vs.

1.Tamilnadu Electricity Regulatory Commission (TNERC),
represented by its Secretary,
19-A, Rukmany Lakshmipathy Salai,
Marshall's Road, Egmore,
Chennai- 600 008.

2.Tamilnadu Generation and Distribution Corporation
Limited (TANGEDCO),
represented by its Chairman,
144, Anna Salai, Chennai- 600 002.

3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited,
Virudhunagar.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare that the 2nd and 3rd respondents are not legally entitled to initiate any action alleging theft of electricity or unauthorized use of electricity by the petitioner for use of HT electricity for the petitioner's canteen (kitchen and dining hall), creche, rest sheds, first aid and ambulance room, gardening, etc., in their Unit having HT SC No.182 without obtaining appropriate orders from the 1st respondent relating to authorized and unauthorized use of power supplied for HT Tariff.

For Petitioner : Mr.N.Sudalaimuthu
for Mr.S.Karunakar



For R-1 : No representation

For R-2 & R-3 : Mr.S.Deenadhayalu

ORDER

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The Writ Petition has been filed by Jayadevi Mills, seeking Declaration that the Electricity Department cannot initiate any action for extending the HT service connection to their Canteen, Rest house, etc.

2.It is the contention of the petitioner that the respondent Board was insisting the petitioner Mills to take a separate LT commercial service connection for utilizing the same for Canteen, Rest house, etc and the HT service connection given to the Mills cannot be extended to canteen (kitchen and dining hall), creche, rest sheds, first aid and ambulance room, etc. Hence, the present Writ Petition is filed.

3.Pending the Writ Petition, Tamilnadu Electricity Regulatory Commission (TNERC), has passed an order in Order No.1 of 2012, dated 30.03.2012, to the effect that the HT service connection for the factories/mills can be extended to the employees' Canteen, Rest house, etc.

4.Based on the said order of the Tamilnadu Electricity Regulatory Commission (TNERC), now, the petitioner Mills have restored the Electricity service connection to their Canteens.

5.The standing Counsel appearing for the Electricity Board confirms that they will not initiate any action as against the petitioner Mills for extending the HT service connection to the employees' Canteen (kitchen and dining hall), creche, rest sheds, first aid and ambulance room, gardening, etc., in the factory premises.

6.Recording the said undertaking, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

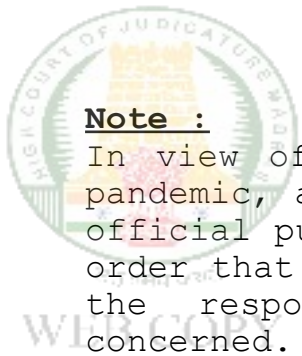
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

Tmg



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO:

1.Tamilnadu Electricity Regulatory Commission (TNERC),
represented by its Secretary,
19-A, Rukmany Lakshmipathy Salai,
Marshall's Road, Egmore,
Chennai- 600 008.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-24962[F]
dated 10/06/2022)

+1 CC to M/s.N.SUDALAIMUTHU, Advocate (SR-24947[F]
dated 09/06/2022)

W.P. (MD) .No.2142 of 2012
09.06.2022

RD(16.06.2022) 3P 4C