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W.P.(MD)NO.8631 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8631 of 2019 and
W.M.P.(MD)No.6729 of 2019

The Director,
Central Electrochemical Research Institute,
Karaikudi – 630 006. ... Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
10th Floor, TNEB Building,
144, Anna Salai, Chennai – 2.
2. The Executive Engineer,
Distribution,
TANGEDCO (formerly TNEB),
Karaikudi.
3. The Assistant Engineer(Town),
TANGEDCO (formerly TNEB) Town South,
Karaikudi. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to adopt tariff II-C for the service connection Nos.05-402-032-136 and 05-402-032-140 which have been availed for the temples and consequently direct the respondents to refund the amount collected based on tariff V.



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For Petitioner : Mr.K.P.S.Palanivel Rajan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for TANGEDCO.

2. The only issue that arises for consideration is whether for the petition mentioned temples, the electricity charges can be levied under tariff II-C or tariff V. The stand of the respondents is that the temples in question are situated within the township entry to which is prohibited for outsiders. According to him, tariff II-C will be applicable only for public temple which is open for worship by the members of the township. Since in this case, there is restriction even for entering the township, the temples in question cannot be considered as open for public worship. He also submitted that the electricity charges levied under tariff V is absolutely proper. The issue does not call for any interference.



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3. I am not persuaded by the objections raised by the learned Standing counsel appearing for TANGEDCO. As rightly pointed out by the learned counsel appearing for the petitioner, the temples are not located in any private area. They are located in a recognized township. In the said township, the staff working in the Central Electrochemical Research Institute are residing and these temples are open to public worship for them. In fact the outsiders are also allowed to come and there is no prohibition as such.

4. The learned counsel appearing for the writ petitioner draws my attention to the order dated 25.03.2021 made in Appeal No.67 of 2020 passed by the Tamil Nadu Electricity Ombudsman. The question that arose before the Tamil Nadu Electricity Ombudsman was whether the temple located in any private land has to be charged under tariff V or tariff II-C. The Tamil Nadu Electricity Ombudsman came to the conclusion that so long as the premises is a temple and it is open for public worship, then the relevant tariff is II-C and not tariff V.



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5. The very same reasoning and approach is applicable to the case on hand also. The respondents are directed to levy tariff II-C for the petition mentioned survey numbers. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

Index : Yes / No

Internet : Yes/ No

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To:

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G.R.SWAMINATHAN,J.

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