



W.P.(MD)No.19988 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.19988 of 2022
and
W.M.P.(MD)No.14549 of 2022

M.Muthupandeeswari

.. Petitioner

Versus

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai Distribution Circle,
Madurai.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai East.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Airport,
Madurai.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertains to the demand notice of the third respondent in Ka.No.OoSoPo/Pa/vini/Va.Me/Ko.Arrears/A.No.329/22, dated 12.08.2022, quash the same, as it is arbitrary and illegal and in consequence to direct the third respondent to calculate the charge for the exceeding electricity consumption of 32 KW as per the amended Tamil Nadu Electricity Supply Code by TNERC, Chennai, Notification No.TNERC/SC/7-41, dated 09.06.2020.



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For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the demand notice of the third respondent in Ka.No.OoSoPo/Pa/vini/Va.Me/Ko.Arrears/A.No.329/22, dated 12.08.2022, and consequently, to direct the third respondent to calculate the charge for the exceeding electricity consumption of 32 KW as per the amended Tamil Nadu Electricity Supply Code by TNERC, Chennai, Notification No.TNERC/SC/7-41, dated 09.06.2020.

2. According to the petitioner, she is running a modern rice mill from the year 2007 in S.F.No.48/5, Karisulkulam Road, Samanatham, Madurai. She is also a hulling agent of the Tamil Nadu Civil Supplies Corporation. The petitioner has got three electricity service connections to her rice mill and the sanctioned limit is 122 KW. While so, on 15.07.2021, the TNCSC directed all the hulling agents to install Color Sortex Machine, for polishing rice. Accordingly, the petitioner installed the said machine and supplying the rice to TNCSC. In the said process, the consumption of electricity is exceeded to 144 KW for three times more than the sanctioned limit of 122 KW. Thus, the



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consumption of electricity more than the sanctioned limit is not by violation, but, due to installation of the said machine. Therefore, the petitioner decided to convert her electricity connection from L.T. to H.T. Accordingly, she made an application on 11.05.2022 and paid the requisite fees on 13.05.2022 and thereafter, she paid the charges for the equipment and etc. and installed a transformer and other apparatus as directed by the first respondent. To her shock and surprise, a sum of Rs.14,32,048/- was levied as per Bill, dated 27.06.2022, in respect of S.C.No.122-022-309. Since the same is highly excessive and without any break up details for the same, the petitioner has approached the third respondent and asked him to revise the bill according to the amended Supply Code of the Tamil Nadu Electricity Regulatory Commission [TNERC]. However, without considering the same, a notice dated 12.08.2022, has been issued by the third respondent, directing the petitioner to pay a total sum of Rs.34,38,000/- for the said three connections within 15 days. Challenging the same, the petitioner has filed the present Writ Petition.

3. The third respondent filed a counter affidavit. The learned Standing Counsel appearing for the respondents submitted that the petitioner is running a modern rice mill from the year 2007 in S.F.No.48/5, Karisalkulam Road, Samanatham, Madurai. Originally, the petitioner got three LTCT service



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connections for her rice mill and the sanctioned limit is 112 KW. However, the same has been wrongly mentioned as 122 KW in the petitioner's affidavit.

The consumption of electricity more than the sanctioned limit is violative of Regulation 5(2)(ii)(c) of the Tamil Nadu Electricity Supply Code. Further, the petitioner has used 144 KW and exceeded the sanctioned limit. Hence, penal charges have been levied as per Regulation 5(2)(ii)(c) of the Tamil Nadu Electricity Supply Code, which reads as under:-

"5. Miscellaneous charges:-

(2) Excess demand charge:-

(ii) In case of LT supply,

(c) For the remaining LT services other than those service connections covered in (a) and (b) above, when the contracted demand is in excess of 18.6 KW (25HP) and for such of those consumers whose contracted demand is less than 18.6 KW (25HP) but opted for having meters with demand recording facility, the excess demand charges shall be -,

(I) Where the sanctioned demand is less than and upto 112 KW:

(A) Where the recorded demand does not exceed 12 KW, for every KW or part thereof in excess of the sanctioned demand, at the rate of 1% of the total energy charges.

Explanation: 'Total energy charges' shall have the same meaning as the term "charges of electricity supplied" which includes both fixed/demand charges and



energy charges.

(B) Where the recorded demand exceeds 112 KW, for every KW or part thereof in excess of sanctioned demand:-

- at the rate of 1% of the charges for electricity supplied for every KW or part thereof upto 112 KW;

- and at the rate of 1.5% for every KW or part thereof over and above 112 KW for the first two occurrences;

- and for the third occurrence, at the rate of 3% for every KW or part thereof over and above 112 KW;

- and thereafter, that is the fourth and subsequent occurrences at the rate of 10% for every KW or part thereof over and above 112 KW;

(III) Where the sanctioned demand is above 112 KW but less than or equal to 150 KW:

(A) Where the recorded demand does not exceed 150 KW, for every KW or part thereof in excess of the sanctioned demand, at the rate of 1% of the charges for electricity supplied. The 'charges of electricity supplied' is the fixed/demand charges and energy charges as per proviso to clause (b) of sub-regulation (1) of Regulation 3 of this Code.

(B) Where the recorded demand exceeds 150 KW, for every KW or part thereof in excess of the sanctioned demand:-

- at the rate of 1% of the charges for electricity supplied for every KW or part thereof upto 150 KW;



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- and at the rate of 1.5% for every KW or part thereof over and above 150 KW for the first two occurrences;

- and for the third occurrence, at the rate of 3% for every KW or part thereof over and above 150 KW;

- and thereafter, that is the fourth and subsequent occurrences at the rate of 10% for every KW or part thereof over and above 150 KW;

(III) Revision of sanctioned demand for consumers with sanctioned demand of 112 KW and below, change over to LT category of 112 KW but less than or 150 KW/HT category;

For consumers with a sanctioned demand of 112 KW and below, where the recorded demand exceeds the sanctioned demand for the second and subsequent times,-

(A) In case the recorded demand has not exceeded 112 KW, the existing load sanction shall, after intimation to the consumer, be revised within one month of the second occurrence to the level of maximum recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill.

(B) In case the recorded demand has exceeded 112 KW but less than or equal to 150 KW, the existing load sanction shall be revised upto the level of maximum recorded demand subject to acceptance of the conditions in the proviso to clause (b) of sub-regulation (1) of Regulation 3 on payment of all relevant charges applicable. If, however the consumer does not opt to



switch over to LT category limit of 150 KW under the proviso to clause (b) of sub-regulation (1) of Regulation 3, the existing load sanction shall, after intimation to the consumer, be revised within one month of the second occurrence, to the level of 112 KW and all relevant charges applicable to the additional load shall be included in the next bill; For the third and subsequent occurrences of recorded demand exceeding the sanctioned demand of 112 KW, the Licensee shall issue one month's notice for conversion of LT service to HT service indicating all relevant charges to be paid for a HT service connection for the level of recorded demand.

(IV) Revision of sanctioned demand for consumers with sanctioned demand above 112 KW but less than or equal to 150 KW, conversion to HT category:

For consumers with a sanctioned demand above 112 KW but less than or equal to 150 KW, where the recorded demand exceeds the sanctioned demand for the second and subsequent times,-

(A) In case the recorded demand has not exceeded 150 KW, the existing load sanction shall, after intimation to the consumer, be revised within one month of second occurrence to the level of maximum recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill.

(B) In case the recorded demand has exceeded 150 KW, the existing load sanction shall, after intimation to



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the consumer, be revised within one month of the second occurrence, to the level of 150 KW and all relevant charges applicable to the additional load shall be included in the next bill. If, however, the recorded demand has exceeded 150 KW for the third or more number of times, the licensee shall issue one month's notice for conversion of LT service to HT service indicating all relevant charges to be paid for a HT service connection for the level of recorded demand."

4. As per the request of the petitioner, three LTCT service connections were converted into HT service connections with effect from 16.07.2022. Hence, penalty of 10% to the exceeded limit has been calculated from the month of June 2022 to 16.07.2022. Further, the calculation made by the respondent Board is not excessive and the same has been made as per the rules and regulations.

5. The learned Standing Counsel appearing for the respondents further submitted that the petitioner has to approach the Consumer Grievance Redressal Forum, Madurai, to redress her grievance.

6. Considering the abovesaid submissions made by the learned counsel on either side, this Court is of the view that the petitioner's plea cannot be



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accepted and she has to approach the competent forum, namely, Consumer Grievance Redressal Forum, Madurai, to redress her grievance.

7. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to work out her remedy before the Consumer Grievance Redressal Forum, Madurai. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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15.11.2022

To

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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