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W.P.Nos.27161 of 2004, 31550 of 2005 & 38076 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27161 of 2004, 31550 of 2005 & 38076 of 2002

and

W.M.P.Nos.139 & 138 of 2010, 33053 of 2004 & 34590 of 2005

W.P.No.27161 of 2004

and

W.M.P.Nos.139 of 2010 & 33053 of 2004:

Christian Medical College & Hospital
IDA Scudder Road,
Vellore – 632 004.

...Petitioner

-Vs-

- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gandhi Nagar, Vellore-6.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent culminating in the Letter No.SEV/RCS/AS/A AG's Audit 2004, dated 20.08.004 and quash the same



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and consequently direct the respondents to classify the HT Power connection No.HT SC 1095 of RUHSA Hospital under HT Tariff II-A instead of HT Tariff III.

For Petitioner : Mr.Krishna Srinivas, Senior Counsel for
M/s.S.Rama Subramaniam & Associates

For Respondents : Mr.S.Madhusudan

W.P.No.31550 of 2005

and

W.M.P.No.34590 of 2005:

Annamalai University,
Rep. by its Registrar,
Annamalainagar,
Chidambaram – 608 002.

...Petitioner

Vs.

1.Tamil Nadu Electricity Board,
Rep.by its Chairman,
Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
Cuddalore Electricity Distribution Circle,
Cuddalore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, by calling for the records of second respondent comprised in the impugned order dated 24.08.2004 bearing L.R.No.SE/CEDC/CUD/AO/R/Audit- 03-04/95/A4/2004 and the consequential order dated 27/06/2005 bearing -



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:L.r.No.S.E/CEDC/DFC/CUD/AO/R/RCS/AS/A4/F.BOAB.Audit/2005

and quash the same as being arbitrary and illegal and consequently direct the respondent to continue to apply HT Tariff II-A for the petitioner's service connection in HTSC No.95 and order refund of excess amount collected by the respondent by wrongly applying HT Tariff III instead of HT Tariff II-A to the petitioner's HTSC No.95.

For Petitioner : Mr.V.Karthikeyan for
for Mr.S.Sivasubramani

For Respondents : Mr.V.Venkata Seshaiya

W.P.No.38076 of 2002

and

W.M.P.No.138 of 2010

Christian Medical College & Hospital,
Rep.by IDA Scudder Road,
Vellore-632 004.

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Vellore Electricity Distribution,
Tamil Nadu Electricity Board,
Vellore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the



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records of the 1st respondent culminating the letter No.SE/CommI/EE/T/AEEI/SFMC/CR No.7887/2002 dated 27.09.2002 and quash the same and consequently direct the respondents to classify the 4 HT power connections in the Petitioner Institution under HT Tariff II A instead of HT Tariff III and also refund the amounts paid in excess for the months of July and August 2002.

[Prayer amended as per order dated 22.10.2002 in WMP.58268/2002.]

For Petitioner : Mr.Krishna Srinivas, Senior Counsel
for M/s.S.Ramasubramanian & Associates

For Respondents :Mr.S.Madusudanan

COMMON ORDER

The relief sought in the present writ petitions are to quash the records of the respondents culminating the letter and direct the respondents to classify the power connections in the Petitioner Institutions under HT Tariff II-A instead of HT Tariff III and also to refund the excess amount collected by the respondent by wrongly applying HT Tariff III instead of HT Tariff II-A to the petitioners.

2.Per contra, the learned counsel appearing for the respondent Board submitted that the petitioners have an effective alternative remedy of



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referring the dispute before the Tamil Nadu Electricity Regulatory Commission as per Regulation 26(3) of the Tamil Nadu Electricity Supply code. Without availing efficacious remedy available before the Regulatory Commission, the petitioners approaching this Court is premature and hence prays for dismissal of these petitions.

3.In view of the above observations, the writ petitions are **disposed of**. However, the petitioners are at liberty to file appropriate petition before the Tamil Nadu Electricity Regulatory Commission as per Regulation 26(3) of the Tamil Nadu Electricity Supply code, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Regulatory Commission shall dispose of the petitions as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

24.03.2023



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W.P.Nos.27161 of 2004, 31550 of 2005 & 38076 of 2002

S.M.SUBRAMANIAM. J.,

(sha)

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gandhi Nagar, Vellore-6.
- 3.The Superintending Engineer,
Cuddalore Electricity Distribution Circle,
Cuddalore.
- 4.The Superintending Engineer,
Vellore Electricity Distribution,
Tamil Nadu Electricity Board,
Vellore.

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24.03.2023