



W.P. No.8792 of 2023 and  
W.M.P. Nos.8970 & 8971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.8792 of 2023 and  
W.M.P. Nos.8970 & 8971 of 2023

Plaza Maintenance & Services Limited  
Represented by its Manager (Accounts & Finance)  
Mr.R.V.Raghavan  
769, Spencer Plaza, Anna Salai  
Chennai - 600 002

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO)  
Represented by its Chairman & Managing Director  
10th Floor, 144, Anna Salai  
Chennai - 600 002

2.The Superintending Engineer  
Chennai Electricity Distribution Circle/Central  
TANGEDCO  
Valluvarkottam, SS Complex  
Chennai - 600 034

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus calling for the records of the 2nd respondent in the impugned letter bearing Lr. No.SE/CEDC/C/EE/GL/AEE/DEV/AE/F.HT.2245/D.654/21 dated 07.09.2021 and quash the same as arbitrary and illegal, and consequently direct the respondents to effect reduction of demand from 5000 KVA to 3000 KVA in respect of the HT Service Connection No.2245 as per petitioner's application dated 28.07.2020.



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For Petitioner : Mr.Rahul Balaji  
For Respondents : Mr.L.Jaivenkatesh

### **ORDER**

The petitioner, represented by its Manager claims that Spencer Plaza, is one of the leading shopping mall cum office complexes in the city. According to the petitioner, it had availed two HT service connections for a combined 9000 KVA power supply. During Covid-19 pandemic and owing to the lock down that was in force, the petitioner did not require 9000 KVA, therefore it required reduction of power supply in one of the two connections it had from 5000 KVA to 3000 KVA. The petitioner had made a request to the respondent vide its communication dated 10.07.2020. This was responded to by the second respondent vide its proceedings dated 14.07.2020. In this regard, followed by few more exchange of correspondences between the parties and ultimately on 07.09.2021, the request of the petitioner was rejected by the second respondent. The said proceedings informs that the reduction of power supply sought by the petitioner was considered to be not feasible, since an arrears of Rs.2.41 Crores is required to be paid by the petitioner, which is the subject matter of W.P. No.9213 of 2010.



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2. Heard both sides and perused the materials available on record in the form of typed set of papers.

3. The learned counsel for the petitioner makes pointed submission:

- (a) Payment of alleged arrears of electricity charges and prayer for reduction in the power supply are two unconnected and separate issues and they cannot be clubbed together for consideration by the second respondent, more so, when the quantum of arrears as indicated in the impugned proceedings is the subject matter in W.P. No.9213 of 2010.
- (b) After the impugned order, this court, vide its order dated 13.12.2021 had allowed W.P. No.9213 of 2010, which implies the alleged arrears of electricity charges no more exists.
- (c) The impugned order itself is contrary to the memo No.CE/Coml/EET/AEE.2/F.Consumers with arrears/D.28/13 dated 23.01.2014 issued by the TANGEDCO which *inter alia* states that pendency of any proceedings between the consumer and TANGEDCO or any interim orders passed in any such proceedings cannot be a ground not to consider any subsequent representation on any aspect. This circular was not taken into account by the second respondent.



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4. After perusing the records, more particularly, the order passed by this court in W.P. No.9213 of 2010, is the solitary ground that formed the basis for rejecting petitioner's prayer. This apart, both the issues are not connected and hence it may not be appropriate for the respondents to connect those. Ideally, it should have dealt with both the aspects independently.

5. For the foregoing reasons, this writ petition is allowed and the proceedings of the second respondent in Lr. No.SE/CEDC/C/EE/GL/AEE/DEV/AE/F.HT.2245/D.654/21 dated 07.09.2021 is set aside. This court also requires the second respondent to consider the request of the petitioner for reduction in electricity power supply from 5000 KVA to 3000 KVA, within a period of four weeks from today. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

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Asr  
Index : Yes/No  
Speaking/Non-speaking Order



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To

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)  
Represented by its Chairman & Managing Director  
10th Floor, 144, Anna Salai  
Chennai - 600 002
2. The Superintending Engineer  
Chennai Electricity Distribution Circle/Central  
TANGEDCO  
Valluvarkottam, SS Complex  
Chennai - 600 034
3. The Government Pleader,  
High Court, Madras



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**N.SESHASAYEE, J.,**

Asr

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**04.07.2023**