



WEB COPY



W.P.No.15547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.15547 of 2023
and WMP.No.15062 & 19126 of 2023

The KGISL Trust
Rep by its Authorised Signatory
Dr.R.Maheswaran, S/o.Y.Rajagopal
Having Office at : No.365, KGISL Campus
Thudiyalur Road
Saravanampatti
Coimbatore - 641 035.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Represented by Secretary to Government
Energy Department
Fort St.George, Chennai - 600 009.
- 2.The Tamil Nadu Electricity Board
Regulatory Commission
Represented by its Secretary
No.18, Third Main Road, Seethammal Colony
Alwarpet, Chennai - 600 018.
- 3.The Tamil Nadu Electricity Board
Represented by its Chairman
No.800, Anna Salai, Chennai - 600 002.



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4.The Superintending Engineer
Coimbatore Electricity Distribution Circle / North
Tatabad, Coimbatore - 641 012.

5.The K.G.Information Systems Private Limited
Rep by its Managing Director
K.G.Campus, Thudiyalur Road
Saravanampatti, Coimbatore - 641 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus, calling for the entire records in Lr.No.SE/CEDC/N/CBE/DFC/AO/REV/AAO/HT/A4/F.KGISL/D.287/23 dated 05.05.2023 on the file of the fourth respondent and quash the same, consequently direct the fourth respondent to remove excessive amount entered in service connection 039094300422.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.P.Wilson, Senior Counsel
Assisted by Mr. L.Jai Venkatesh
Standing Counsel for R2 to R4

Mr.S.J.Mohamed Sathik
Government Advocate for R1

ORDER

The grievance of the petitioner is that the TANGEDCO has passed on the liability of the fifth respondent on it, and hence, challenges the same.



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2. Outlining the line of defence of TANGEDCO, the learned Senior Counsel submitted that the Trustees of the petitioner's Trust were the Directors in the Board of the fifth respondent. The fifth respondent intimated TANGEDCO of its proposal to wind up the company, and requested for transfer of its liability, security deposit, service connection along with the load allotted, to the petitioner and also trusted the Board Resolution to that effect. Since the Board of Directors themselves are the Trustees of the petitioner's Trust, TANGEDCO also acceded to the said request. Once what was requested was accomplished, the same Trustees were once the Directors of the fifth respondent engaged in double speak and present an innocent face before the Court as they have been victimized.

3. The learned Senior Counsel appearing for TANGEDCO also brought to the notice of the Court, that the subject of the present writ petition has already been under challenge before the Appellate Tribunal for Electricity, which has taken cognizance of the matter in A.No.114 of 2023, and this appeal was filed by the fifth respondent. Now inasmuch as the fifth respondent has passed on the liability to the petitioner, the petitioner has to work out its remedy before the Appellate Tribunal. The learned Senior Counsel also added that the fifth



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respondent has not moved a stay application before the Appellate Tribunal, and to get over the same, the petitioner now has moved this writ petition.

4. To a query by this Court, the learned counsel for the petitioner submitted that it was true that the erstwhile Board of Directors of the fifth respondent are the Trustees of the petitioner.

5. Those who appeared as Directors is now appearing as Trustees, and has informed they have taken a conscious decision to transfer the liability of the company including the security deposit and the loan to the petitioner Trust. Though the Trust and the Private Limited Company can be considered as different entities in law, if the veil is lifted, this Court seems the same set of persons controlling the affairs of both the entities.

6. This Court cannot appreciate the current strategy of the petitioner in approaching this Court, instead of moving the Appellate Tribunal for Electricity in A.No.114/2023. The petitioner will now be at liberty to approach the Appellate Tribunal for Electricity for appropriate remedies.



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7. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
ds

To:

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- 2.The Secretary
Tamil Nadu Electricity Board Regulatory Commission
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Alwarpet, Chennai - 600 018.
- 3.The Chairman
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N.SESHASAYEE.J.,

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