



W.A.(MD).Nos.332 and 336 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 21.12.2022

Pronounced on : 04.01.2023

CORAM

**THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**W.A.(MD).Nos.332 and 336 of 2012
and
M.P.(MD).Nos.1, 1 and 2 of 2012**

W.A.(MD).No.332 of 2012

Tower Steels Limited,
HT.SC.No.112,
Plot Nos.C-20 & 21,
SIDCO Industrial Estate,
Kappalur,
Madurai – 625 008.
Represented by its Proprietor – cum – Lessee,
S.Thangamani, of
Sri Raghavendhra Corporation.

....Appellant

Vs.

1.The Chairman,
Tamilnadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.



W.A.(MD).Nos.332 and 336 of 2012

2.The Executive Engineer,
TANGEDCO,
Madurai Circle,
Tamilnadu Electricity Board,
Thirumangalam,
Madurai.

....Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.(MD).No.12737 of 2011 dated 19.12.2011 and allow the same.

For Appellant : Mr.B.Saravanan

For R-1 and R-2 : Mr.R.Baskaran,
Additional Advocate General,
assisted by Mr.S.Deenadhayalan,
Standing Counsel.

W.A.(MD).No.336 of 2012

Sabari Alloys and Metals India Private Limited,
Plot No.C21/2, SIDCO Industrial Estate,
Kappalur,
Madurai.

Represented by its Business Executive
Tmt.Malathy.

....Appellant

*(Cause title amended vide Court order dated 27.01.2020 made in W.A.
(MD).No.336 of 2012)*

Vs.



W.A.(MD).Nos.332 and 336 of 2012

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1. The Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 7.

2. V.Kanagaraj,
Managing Director,
M/s.Tower Rolling Mill Limited,
C-12, SIDCO, Industrial Estate,
Kappalur,
Madurai.

....Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 23.12.2011 passed by the learned Judge in W.P.(MD).No. 14585 of 2010 and allow the writ appeal as prayed for and thus render justice.

For Appellant : Mr.M.S.Krishnan,
Senior Counsel
for Mr.Roshan Balasubramanian

For R-1 : Mr.R.Baskaran,
Additional Advocate General,
assisted by Mr.S.Deenadhayalan,
Standing Counsel.

For R-2 : Mr.B.Saravanan



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COMMON JUDGMENT

WEB CO **SUNDER MOHAN, J.**

The brief facts leading to the filing of the above appeals are as follows:

a) The Tamil Nadu Electricity Board on 04.01.2010 issued a notice to three persons, namely, D.Thillairaj, S.Thangamani and D.Thangaraj, stating that the service connection in HTSC No.112 was inspected by the Executive Engineer in the presence of their representatives. During the inspection, it was found that the metering set of both main and check meter, current transformer were found tampered and that the occupiers had stolen the electrical energy. The approximate loss caused on account of the theft was assessed at Rs.7,55,37,423/- (Rupees Seven Crores Fifty Five Lakhs Thirty Seven Thousand Four Hundred and Twenty Three only). The recipients of the said notice were asked to send objections, if any, to the provisional assessment.

b) Thereafter, it appears that the aforesaid three persons participated in the enquiry conducted on various dates.



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c) On 04.03.2010, a final assessment order was issued addressed to the aforesaid three persons, wherein, the loss caused by the dishonest abstraction of electricity supply was assessed at Rs.7,55,37,423/- (Rupees Seven Crores Fifty Five Lakhs Thirty Seven Thousand Four Hundred and Twenty Three only).

d) On 26.11.2010, the Superintending Engineer, Madurai Electricity Distribution Circle sent a communication to one M/s.Tower Steels India Limited stating that they were in arrears of Rs.11,95,82,334/- (Rupees Eleven Crores Ninety Five Lakhs Eighty Two Thousand Three Hundred and Thirty Four only), which included the amount assessed towards theft of energy. In the said communication, it is stated that the arrears was in respect of HTSC No.112 and that the connection was disconnected on 06.01.2010. It was further stated that if the amount is not paid within a period of thirty days, the responsibility for payment will be fixed on Service Connection No.121, which is also run by D.Thillairaj and D.Thangaraj.

e) The appellant in W.A.(MD).No.336 of 2012 stating that he had entered into a lease agreement with one M/s.Tower Rolling Mill Limited on



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17th October 2009, which was using Service Connection No.121, challenged the said communication stating that in view of the lease in their favour, the order fixing the responsibility on Service Connection No.121 for the alleged dues in Service Connection No.112 is unjustified and hence filed a Writ Petition in W.P.(MD).No.14585 of 2010 before this Court.

f) M/s.Tower Steels India Limited also filed a Writ Petition challenging the final assessment order on various grounds in W.P.(MD).No.12737 of 2011.

g) The Writ Petition in W.P.(MD).No.12737 of 2011 filed by the appellant in W.A.(MD).No.332 of 2012 was dismissed by this Court vide order dated 19.12.2011 on the ground that since there were number of criminal cases pending against the appellant, they do not deserve any sympathy. Further, the appellant had alternative remedy to file a statutory appeal against the order of final assessment made by the Electricity Board. Hence, it was dismissed.



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h) The Writ Petition in W.P.(MD).No.14585 of 2010 filed by the appellant in W.A.(MD).No.336 of 2012 was taken up along with the batch of Writ Petitions and was dismissed by the learned Single Judge of this Court on 23.12.2011 on the ground that the earlier Writ Petition filed by M/s.Tower Steels India Limited in W.P.(MD).No.12737 of 2011 was dismissed in view of their bad antecedents, the appellant's case also cannot be allowed and held that since the appellant had challenged the very same communication, there was no merits in the Writ Petition.

2. Challenging the dismissal of the Writ Petitions as aforesaid, the appellants are before us. At the time of admission of W.A.(MD).No.336 of 2012, this Court granted stay on the condition that the appellant deposits Rs.3,00,00,000/- (Rupees Three Crores only) in favour of the first respondent, the Superintending Engineer, Madurai Electricity Distribution Circle. The appellant had deposited the said sum. The appellant thereafter sought permission to amend the cause title in the Writ Appeal from Sidhi Smelteres (P) Limited to Sabari Alloys and Metals India Private Limited. The said amendment was permitted by the order of this Court on



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27.01.2020. Meanwhile, the appellant had vacated the premises in the year

2014 and thereafter sought to withdraw the Writ Appeal in W.A.(MD).

No.336 of 2012 with the prayer for a direction to refund the sum of Rs.3,00,00,000/- deposited by them in favour of the first respondent pursuant to the interim orders passed by this Court at the time of admission.

This Court, vide order dated 30.01.2019, permitted withdrawal of the Writ Appeal and directed TANGEDCO to refund the sum of Rs.3,00,00,000/- (Rupees Three Crores only) to the appellant without interest on or before 30th April 2019. The first respondent herein had challenged the said order before the Hon'ble Supreme Court in Civil Appeal No.8047 of 2019 and the Hon'ble Supreme Court passed the following order:

“Considering the issues agitated before us by both the sides, we are of the opinion that the parties be relegated before the High Court for reconsideration of the Writ Appeal on its own "merits" in accordance with law, disregarding the earlier request of the respondent No.1 to permit withdrawal of its appeal; and further, it would be appropriate that the remanded Writ appeal is heard alongwith Writ appeal filed by M/s. Towers Steels India Ltd. being Writ Appeal (MD) No. 332 of 2012, as it may involve overlapping issues.

Needless to observe that all contentions available to



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respective parties, including the respondent No.1 in this appeal, will have to be considered on its own merits in accordance with law.”

Thus, in view of the order passed by the Hon'ble Supreme Court remanding W.A.(MD).No.336 of 2012 and a direction to hear it along with Writ Appeal in W.A.(MD).No.332 of 2012, we have taken up both the Writ Appeals together for disposal.

3. Mr.M.S.Krishnan, learned Senior Counsel appearing for the appellant in W.A.(MD).No.336 of 2012 submitted that the appellant had entered into a lease agreement with one M/s.Tower Rolling Mill Limited on 17.10.2009. They were aggrieved by the impugned order in the Writ Petition, which sought to link the alleged dues in Service Connection No.112 with the Service Connection, which was used by the appellant as a lessor of Tower Rolling Mill Limited. In view of the order stating that the dues of Service Connection No.112 can be collected from Service Connection No.121, they apprehended disconnection for non-payment of the assessment amount and hence were forced to file the Writ Petition in W.P.(MD).No.14585 of 2010. The learned Single Judge had not taken into



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consideration the fact that the lessor had nothing to do with the alleged theft of energy committed by the sister concern of their lessor. The learned Judge dismissed the Writ Petition without adverting to the various contentions raised by them by stating that there were number of criminal cases pending against M/s.Tower Steels Limited and the Writ Petition filed by Tower Steels Limited was already dismissed on that very same ground. The learned Senior Counsel submitted that the learned Judge ought to have seen that the lessor was very prompt in payment of the dues in respect of Service Connection No.121 and the order passed by the first respondent threatening action for non-payment of dues of another service connection would affect his business in which several employees were working. The appellant had invested huge amounts while taking the premises on lease. The learned Senior Counsel submitted that in any event, the appellant had surrendered the lease on 22.04.2014 and thereafter, the service connection in Service Connection No.121 has also been disconnected for non-payment of dues in Service Connection No.112. Therefore, it is just and necessary that the amount deposited by the appellant at the time of admission be refunded to them, since they cannot be made liable for dues of their lessor even



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assuming that the lessor was liable to pay for the dues of its sister concern,

WEB COM M/s.Tower Steels Limited.

4. Mr.B.Saravanan, learned counsel for the appellant in W.A. (MD).No.332 of 2012 submitted that the assessment order passed by the second respondent was not in accordance with law. The assessment order mentions about theft of energy by the appellant. Theft of energy is an offence under the Tamil Nadu Electricity Act, 2003 and it has to be ultimately tried by the Special Court under Section 154 of the said Act. It is only the Special Court, which can assess the value of the energy that is alleged to have been stolen and the respondents have no power to determine and make assessment even before the Special Court determines the value. Therefore, the learned counsel submitted that the impugned communication which is based on the assessment orders is not sustainable and hence liable to be quashed.

5(a). Mr.R.Baskaran, learned Additional Advocate General appearing for the Electricity Board submitted that insofar as the appellant in W.A.



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(MD).No.332 of 2012 is concerned, the power to assess the value of theft of energy is independent of the prosecution. The respondents had powers to make assessment under Section 126 of the Electricity Act and the final assessment made by them is appealable under Section 127 of the Act. The Special Court after trial in the prosecution that may be launched for theft of energy can independently assess the value of the theft. In the event of the Special Court making an assessment, which is lesser than the value assessed by the respondents in terms of Section 126 or 127 of the Act, the consumer is entitled to refund as per Section 154(6) of the Electricity Act. The learned Additional Advocate General relied upon the judgment of Hon'ble Supreme Court in the case of ***West Bengal State Electricity Distribution Company Limited and others Vs. M/s.Orion Metal Private Limited and another*** reported in ***(2020) 18 SCC 588*** and the judgment of this Court in W.A.Nos.1808 and 1811 of 2009 dated 08.04.2019, wherein, it has been held that the proceedings under Section 126 of the Electricity Act and the prosecution under Section 154 of the Act before the Special Court are independent of each other.



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(b) As regards the appellant in W.A.(MD).No.336 of 2012, the

learned Additional Advocate General submitted that the appellant had violated the Tamil Nadu Electricity Regulatory Commission's Codes and Regulations. Regulation 17(4) of the Tamil Nadu Electricity Regulatory Commission's Codes and Regulations provides that if a property is let out on lease, the consumer has to inform the authorities concerned prior to the execution of the lease and in this case, the consumer had not given advance notice about the intention to lease out the properties and in case intimation is not given, the licensee is entitled to recover the charges for consumption and other charges due to the licensee even beyond the date of lease. The learned Additional Advocate General further submitted that therefore, they are entitled to recover the charges even from the lessee.

6. We have heard Mr.M.S.Krishnan, learned Senior Counsel for appellant in W.A.(MD).No.336 of 2012, Mr.B.Saravanan, learned counsel for the appellant in W.A.(MD).No.332 of 2012 and Mr.R.Baskaran, learned Additional Advocate General appearing for the respondent Board.



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7. The facts narrated above would show that admittedly the final assessment order was passed against the three individuals, namely, D.Thillairaj, S.Thangamani and D.Thangaraj, stating that they had committed dishonest abstract of supply to the tune of Rs.7,55,37,423/- (Rupees Seven Crores Fifty Five Lakhs Thirty Seven Thousand Four Hundred and Twenty Three only). Prior to the final assessment, a provisional assessment was made on 04.01.2010 giving an opportunity to the aforesaid three persons. It is also to be noted that the final assessment order is appealable under Section 127 of the Tamil Nadu Electricity Act, 2003. It is also the fact that those three individuals had not filed any appeal challenging the final assessment order. The assessments were in respect of Service Connection No.112, which was being used by M/s.Tower Steels (India) Limited, in which the aforesaid three persons were either directors or persons incharge of the conduct of the business of the company. Thereafter, the respondents had issued the notice, which is impugned in the Writ Petition, to the appellant in W.A.(MD).No.332 of 2012, claiming arrears of amount to be paid to the Tamil Nadu Electricity Board to the tune of Rs.11,95,82,334/- (Rupees Eleven Crores Ninety Five Lakhs Eighty Two



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Thousand Three Hundred and Thirty Four only). The arrears was calculated

on the following basis:

<i>“(i) CC Arrears from 12/09 to 01/2010</i>	<i>Rs: 24,99,594.00</i>
<i>Minimum monthly charges 02/2010 to</i>	
<i>07/2010, Half of D.C.fees, BPSC charges</i>	
<i>(ii) Theft of Energy assessment Amount</i>	<i>Rs: 7,55,37,423.00</i>
<i>(iii) pending Amount based on judgement on</i>	<i>Rs: 4,41,95,523.00</i>
<i>Tariff concession</i>	<i>-----</i>
<i>Total Arrears</i>	<i>Rs: 12,22,32,540.00</i>
<i>Less : CCD Available</i>	<i>Rs: 26,50,206.00</i>
	<i>-----</i>
	<i>Rs. 11,95,82,334.00”</i>
	<i>-----</i>

The above calculation would show that the demand was not only in respect of theft of energy assessment amount but also in respect of certain arrears of charges from December 2009 to January 2010 of Rs.24,99,594/- and another pending amount to the tune of Rs.4,41,95,523/-. The impugned notice further stated that since the aforesaid individuals were also involved in the company which was using Service Connection No.121 in the adjacent premises, for the dues payable in Service Connection No.112, the responsibility for payment will also be fixed on the consumer of Service



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Connection No.121. The connection in Service No.112 was disconnected on 06.01.2010 itself after the provisional assessment order of theft was passed on 04.01.2010. The effect of the impugned notice was that Service Connection No.121 would also be liable for disconnection if the consumer did not pay the dues for Service Connection No.112, which was used by the appellant in W.A.(MD).No.332 of 2012, in which the appellant in W.A.(MD).No.336 of 2012 was a tenant.

8. The learned Additional Advocate General appearing for the respondents submitted that the Tamil Nadu Electricity Regulatory Commission's Codes and Regulations referred above conferred power on them to recover the dues in one service connection and fix the responsibility of the consumer in another service connection if they were used by one and the same person. Though arguments were made that the consumers in those two service connections are different, we do not propose to examine that issue since the consumer in Service Connection No.121 is not before us. The Writ Petition has been filed only by the consumer in Service Connection No.112, who is the appellant in W.A.(MD).No.332 of 2012.



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Therefore, the only question to be decided in W.A.(MD).No.332 of 2012 is whether the respondents had power to assess theft of energy amount even before the Special Court makes an assessment under Section 154 of the Electricity Act after the conclusion of the criminal prosecution. The question is no longer res integra. The Hon'ble Supreme Court in the case of ***West Bengal State Electricity Distribution Company Limited and others Vs. M/s.Orion Metal Private Limited and another*** reported in (2020) 18 SCC 588 held as follows:

“15. We also do not find any valid reason for making a distinction as made by the High Court in applying Section 126 of the Act. From the scheme of the Act, it appears that after inspection team notices unauthorised use of energy by tampering the meter, the authorities can disconnect the power supply immediately and make immediate assessment for loss of energy, by invoking power under Section 126(1) of the Act. The term “unauthorised use of energy” is of wide connotation. There may be cases of unauthorised use of energy, not amounting to theft, which are cases viz. exceeding the sanctioned load or using the electricity in the premises where its use is not authorised, etc. But at the same time, when there is an allegation of unauthorised use of energy by tampering the meter, such cases of unauthorised use of energy include



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“theft” as defined under Section 135 of the Act. The power conferred on authorities for making assessment under Section 126(1) of the Act and power to determine civil liability under Section 154(5) of the Act, cannot be said to be parallel to each other. In this regard, we are of the view that the High Court has committed an error in recording a finding, that both proceedings cannot operate parallelly. In a given case where there is no theft of energy, amounting to unauthorised use of energy, in such cases no complaint of theft can be lodged as contemplated under Section 135 of the Act. In such cases for loss of energy, on account of unauthorised use of energy not amounting to theft, it is always open for the authorities to assess the loss of energy by resorting to power under Section 126(1) of the Act. In cases where allegation is of unauthorised use of energy amounting to theft, in such cases, apart from assessing the proceedings under Section 126(1) of the Act, a complaint also can be lodged alleging theft of energy as defined under Section 135(1) of the Act. In such cases, the Special Court is empowered to determine civil liability under Section 154(5) of the Act. On such determination of civil liability by the Special Court, the excess amount, if any, deposited by the petitioner, is to be refunded to the consumer. It is a settled principle that to prove the guilt of the accused in a criminal proceeding, authorities have to prove the case



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beyond reasonable doubt and the element of mens rea is also to be established. On the other hand, such a strict proof is not necessary for assessing the liability under Section 126(1) of the Act.”

This Court and the Hon'ble Supreme Court have held that the assessment order passed by the respondents under Section 126 of the Electricity Act is independent of the prosecution under Section 154 of the Act. If the consumer is aggrieved by the final assessment order made under Section 126, he can challenge the order before the appellate authority under Section 127 of the Act. The Act further provides that in the event of the Special Court determining the liability for theft of energy and if the liability so determined by the Special Court is lesser than the amount deposited by the consumer pursuant to the assessment order, the excess amount deposited by the consumer shall be refunded to him. Therefore, we are of the view that neither the assessment order nor the final impugned notice can be faulted on the ground that they have no powers until the Special Court determines the liability. The respondents have independent powers to make the assessment and they need not await the final determination by the



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Special Court as held by the judgment of the Hon'ble Supreme Court.

Hence, we find that there is no merit in W.A.(MD).No.332 of 2012 and the same is dismissed.

9(a). As regards the appellant in W.A.(MD).No.336 of 2012, we find that he is the lessee of one M/s.Tower Rolling Mill Limited, which is the consumer in Service Connection No.121. Admittedly, there are no dues in Service Connection No.121. The respondents by the impugned notice sought to fix the responsibility for payment of the dues in Service Connection No.112 for the consumer in Service Connection No.121. It is also admitted that the appellant was a lessee for a period of five years between 2009 and 2014 and he had promptly paid the consumption charges during the said period. Since the impugned notice fixes the responsibility on the consumer in Service Connection No.121 for the dues in Service Connection No.112, the appellant anticipated disconnection and hence filed a Writ Petition in W.P.(MD).No.14585 of 2010 praying for quashing of the impugned notice. We find that the learned Single Judge had dismissed the Writ Petition mainly on the basis that the Writ Petition filed by the appellant



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in W.A.(MD).No.332 of 2012 was dismissed since there were many criminal cases pending against its contractors. This was the primary reason for dismissal of the appellant's Writ Petition. The appellant thereafter approached this Court by filing the present Writ Appeal.

(b) It appears that after the dismissal order passed by this Court, the respondents had disconnected the connection in Service Connection No. 121, which was in the premises where the appellant was the lessee. Since this Court found that more than 350 workmen were employed in the appellant's industrial unit and they would suffer if the company is closed on account of disconnection of electricity supply, this Court granted interim stay of the impugned demand dated 26.11.2010 on the condition that the appellant deposits Rs.3,00,00,000/- (Rupees Three Crores only) in favour of the first respondent herein. The appellant had also deposited the said amount. The facts further reveal that the appellant had surrendered the lease on 22.04.2014. We are informed that pursuant to the surrender of the lease, the service connection in Service Connection No.121 also has now been disconnected. Thus, it is seen that the appellant in W.A.(MD).No.332 of



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2012, who is a consumer in Service Connection No.112 and the second respondent in W.A.(MD).No.336 of 2012 (the lessee of the appellant), who is the consumer in Service Connection No.121 have both defaulted in payment and their respective connections are now disconnected. We are also informed that they are facing criminal prosecutions.

(c) While so, the appellant in W.A.(MD).No.336 of 2012 sought permission of this Court to withdraw the Writ Appeal and for a direction praying for refund of the deposit amount made in compliance of the conditional order of stay made by this Court. This Court had considered the request of the appellant and permitted the appellant to withdraw the Writ Appeal and further held that the lessee who was prompt in paying the electricity charges during the period of his lease cannot be made liable for the alleged dues of his lessor and directed refund of Rs.3,00,00,000/- (Rupees Three Crores only) without interest to the appellant. We find that the first respondent has challenged this order and the Hon'ble Supreme Court set aside the order passed by this Court and directed both the appeals to be heard together, leaving the parties to raise all contentions before this



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Court. The order passed by the Hon'ble Supreme Court has been extracted in the earlier part of this judgment.

(d) We are of the view that the appellant cannot be made liable for the alleged dues of its lessor's sister concern, which had allegedly committed theft of energy and had dues in respect of Service Connection No.112. Admittedly, the consumer in Service Connection No.121 had not committed any default. Therefore, the argument of the learned Additional Advocate General that in view of Regulation 17(4), they are entitled to recover the consumption charges, if the lease is not intimated to them even beyond the date of lease, cannot be accepted. The dues is not of the consumer in Service Connection No.121 as stated earlier. Therefore, this regulation has no application.

(e) The learned Additional Advocate General relied upon the judgment of the Hon'ble Supreme Court in the case of ***Telangana State Southern Power Distribution Company Limited and another Vs. M/s.Srigdhaa Beverages*** in ***Civil Appeal No.1815 of 2020*** to impress upon



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us that the liability to pay the electricity dues will be on the transferee if the transferee desires to enjoy the service connection. As regards the submission of the learned Additional Advocate General relying upon the above judgment of the Hon'ble Supreme Court, we are of the view that in the instant case, it is not the dues of the lessor that is sought to be demanded from the appellant. Admittedly, the appellant had no dues and the appellant's lessor also had no dues. It is the case of the respondents that the lessor's sister concern had dues, which, according to them, can be recovered from the lessor as well. In such circumstances, the judgment of Hon'ble Supreme Court relied upon by the learned Additional Advocate General is not applicable to the facts of the instant case.

(f) It is needless to say that the first respondent is entitled to recover the dues in the manner known to law for Service Connection No.112 as against the appellant in W.A.(MD).No.332 of 2012 and for Service Connection No.121 as against the second respondent in W.A.(MD).No.336 of 2012, if they are able to show that it is the same consumer which had used these two service connections. However, they have absolutely no right to recover it from the appellant herein. The appellant is therefore entitled to



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refund of Rs.3,00,00,000/- (Rupees Three Crores only) deposited in favour of the first respondent.

(g) As stated earlier, the communication that is sought be impugned in the Writ Petition is a letter sent to M/s.Tower Steels India Limited stating that if they did not make the payment of Rs.11,95,82,334/- (Rupees Eleven Crores Ninety Five Lakhs Eighty Two Thousand Three Hundred and Thirty Four only), the amount will be added up with the subsequent bills of HTSC No.121 of M/s.Tower Rolling Mill Limited. The said communication has been challenged unsuccessfully by M/s.Tower Steels Limited and we have already dismissed their Writ Appeal as well. M/s.Tower Rolling Mill Limited have not challenged the said communication independently. Therefore, whether the respondents are entitled to recover the dues in one service connection, namely, Service Connection No.112 from another service connection in Service Connection No.121 is a question of fact depending on whether it is used by the same consumer. This Court is not inclined to go into the said question since M/s.Tower Rolling Mill Limited is not before us challenging the said communication on the ground that they



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are different from M/s.Tower Steels Limited. The communication cannot be quashed even at the instance of the appellant in W.A.(MD).No.336 of 2012.

However, as stated earlier, their deposit made at the time of admission ought to be refunded to them. Hence the Writ Appeal in W.A.(MD).No.336 of 2012 is dismissed with a direction to the first respondent to refund the sum of Rs.3,00,00,000/- (Rupees Three Crores only) within a period of four weeks from the date of receipt of a copy of this order to the appellant without interest.

10. For the reasons stated above, the Writ Appeals are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J.,J.] [S.M.,J]
04.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
WEB COPY

- 1.The Chairman,
Tamilnadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.
- 2.The Executive Engineer,
TANGEDCO,
Madurai Circle,
Tamilnadu Electricity Board,
Thirumangalam,
Madurai.
- 3.The Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 7.



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W.A.(MD).Nos.332 and 336 of 2012

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

Lm

Judgment made in
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