



W.P.(MD).No.3130 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.3130 of 2020
and
W.M.P.(MD).No.2664 of 2020**

M/s.Standard Fireworks Rajaratnam College for Women,
Thiruthangal Road, Sivakasi,
Tamil Nadu 626 123,
Represented by its Principal,
T.Palaneeswari

... Petitioner

Vs.

- 1.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
1/65, Ramamoorthy Road,
Virudhunagar – 626 001.
- 2.The Executive Engineer / Distribution,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Opp. Bell Hotel, Sivakasi,
Virudhunagar District.
- 3.The Assistant Executive Engineer / Town/North,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Opp.Bell Hotel, Sivakasi,
Virudhunagar District.



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4.The Assistant Engineer/Town/North,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Opp. Bell Hotel, Sivakasi,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent impugned Letter No.உ.மீ.பொ/நவ/சிவ/கோ Rev Aug/அ.எண் 431/19 dated 19.11.2019 and quash the same as illegal, arbitrary, without application of mind and contrary to Tariff Order No.1 of 2017 dated 11.08.2017 issued by TNERC and consequently direct the fourth respondent to refund or give adjustment of Rs.9,09,474/- illegally collected from the petitioner and direct the fourth respondent to charge the petitioner's Government Aided Education Institution having LT Service Connection No. 239-001-4383 under LT Tariff II- B(1) as per para 5.2.3.14 & 6.2.6 of Tariff Order No.1 of 2017 dated 11.08.2017.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

This Writ Petition is filed to quash the impugned letter dated 19.11.2019, which is contrary to Tariff Order No.1 of 2017 dated 11.08.2017 issued by TNERC with a consequential direction to the fourth respondent to refund or give adjustment of Rs.9,09,474/- illegally collected from the petitioner and



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direct the fourth respondent to charge the petitioner's Government Aided Education Institution having LT Service Connection No.239-001-4383 under LT Tariff II- B(1) as per para 5.2.3.14 & 6.2.6 of Tariff Order No.1 of 2017 dated 11.08.2017.

2. The petitioner is a Government Aided Educational Institution for Women located in Sivakasi. It was established in the year 1968 and affiliated with Madurai Kamaraj University. The College offers different courses in the field of Arts, Commerce, Science. Some of them courses are self-financed courses. As far as the Government Aided Educational Institution is concerned, the Tariff II-B(1) is fixed for such Aided Institution. However, the College is offering self-financed courses as well. Therefore, the respondents have fixed the Tariff under Tariff II-B(2) and sought differential amount between the Aided College and the Self-financed College.

3. The Learned Counsel for the petitioner submitted that the issue is already considered by Tamil Nadu Electricity Regulatory Commission, in Tariff petition No.1/2019 vide order dated 11.08.2017 under the heading classification of Government Aided Educational Institution with self-financed College. The relevant portion is extracted hereunder:



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f) Classification of Government-Aided Educational Institutions with self-financed courses

5.2.3.13 In line with the submission made under HT tariff philosophy, TANGEDCO submitted that Government Aided Educational Institutions with self-financed courses under LT category may also be classified under Tariff applicable to Private Educational Institutions.

The Commission has come to the conclusion that TANGEDCO proposal cannot be accepted and it has to be classified only as Aided Educational Institution and not as Private Educational Institutions. The relevant portion is extracted hereunder:

Commission's View

5.2.3.14: Two separate categories of Government Aided Educational Institutions and Private Educational Institutions were created based on differences in fee structure. However, some Government Aided Educational Institutions are also providing self-financed courses, and thus, the fee structure is different. The Commission is of the view that it would be practically difficult to charge two separate tariffs to Government-Aided Educational Institutions, one for the portion offering normal courses and other for the portion offering self-financed courses. Further, the basic nature of the Government Aided Educational Institutions does not change merely because they are offering some self-financed courses. Therefore, the Commission has not accepted TANGEDCO's proposal to classify Government Aided Educational Institutions that also run self-financed courses, under LTII-B(2) Tariff



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applicable to Private Educational Institutions.

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4. Therefore, the impugned order is quashed. The respondents are directed to classify the petitioner as per Tariff order stated supra and pass appropriate orders. The petitioner has already paid the amount. The respondents shall adjust the same for future amount. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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