



W.P.(MD).No.3640 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3640 of 2021

and

W.M.P.(MD).No.2948 of 2021

M/s.The KTM Jewellery Limited,
Represented by its Managing Director,
D.No.259B, 260, 261, V.E.Road,
Thoothukudi.

... Petitioner

Vs.

1.The Assistant Executive Engineer,
TANGEDCO (Distribution),
Thoothukudi Town South,
Thoothukudi.

2.The Accounts Officer / Revenue
TANGEDCO,
Thoothukudi.

3.The Superintending Engineer,
TANGEDCO,
Thoothukudi Distribution Circle,
Thoothukudi.

... Respondents

*(R-3 is suo motu impleaded vide Court Order dated 31.08.2023 in
W.P.(MD).No.3640 of 2021)*



W.P.(MD).No.3640 of 2021

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 relating to the impugned bills for the months of August -2020 (Bill No. 9094700334092001) and January – 2021 (Bill No.H4700334012111), issued by the second respondent in respect of HT.SC.No.079094700334 and to quash the same as illegal and in violation of regulation 6 of the Tamil Nadu Electricity Supply Code, 2004 and consequently directing the respondents to refund the excess amount collected from the petitioner with applicable interest.

For Petitioner : Mr.B.Saravanan,
Senior Counsel,
for Mr.D.Kirubakaran

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

ORDER

This Writ Petition is filed to quash the bills for the months of August -2020 and January – 2021 issued by the second respondent and consequently directing the respondents to refund the excess amount collected from the petitioner with applicable interest.



W.P.(MD).No.3640 of 2021

WEB COPY

2. The learned Senior Counsel appearing for the petitioner submitted that the respondents are empowered to bill appropriately as per Regulation 6 of the Tamil Nadu Supply Electricity Power. Under Regulation 6(a)(ii), under the heading Minimum Charges, it has been stated that if disconnection is part of the month, the actual recorded demand or such percentage of sanctioned demand as declared by the Commission whichever is higher can be taken for fixing the bill. The contention of the learned Senior Counsel appearing for the petitioner is that when it has been stated the actual demand record can be taken, the respondents without fixing the actual record and demand has been fixed excessively. Therefore, the respondents have not followed the Regulation 6(a)(ii) of the Code in its proper perspective. For better understanding, Regulation 6(a)(ii) of the Code is extracted hereunder:

6. Minimum Charges

The consumer shall pay to the licensee [minimum charges] in respect of every connection as detailed below. The minimum monthly charges are payable even when no electricity was consumed or supply disconnected by orders of Court or when the price of electricity supplied is less than the minimum charges.

(a) For the H.T. services disconnected as per licensee's right to disconnect supply, the following monthly minimum charges based on the KVA demand shall be collected:-

(i) If the disconnection is for the full month, then, 20% of the sanctioned demand.



W.P.(MD).No.3640 of 2021

(ii) If the disconnection is for part of a month, the actual recorded demand or such percentage of sanctioned demand as declared by the Commission whichever is higher.

3. Under sub clause (ii) it has been specifically stated that the actual recorded consumption ought to be taken. Therefore, this Court is of the considered opinion that the respondents ought to consider as per Regulation 6(a)(ii) of the Act.

4. However, in the present case, the bill is raised by the first respondent, who is the Assistant Executive Engineer. If any dispute in the current consumption bill, then the consumer is entitled to approach the next higher authority. Therefore, the petitioner is directed to approach the Superintending Engineer. However, the Superintending Engineer is not a party in this Writ Petition. Therefore, this Court is suo motu impleading the Superintending Engineer, TANGEDCO, Thoothukudi Distribution Circle, Thoothukudi as one of the parties in this Writ Petition. The Superintending Engineer shall consider the petitioner's case in the light of Regulation 6(a)(ii) of the Act and pass appropriate orders and the said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.3640 of 2021

WEB COPY

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

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

To

1.The Assistant Executive Engineer,
TANGEDCO (Distribution),
Thoothukudi Town South,
Thoothukudi.

2.The Accounts Officer / Revenue
TANGEDCO,
Thoothukudi.

3.The Superintending Engineer,
TANGEDCO,
Thoothukudi Distribution Circle,
Thoothukudi.



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W.P.(MD).No.3640 of 2021

S.SRIMATHY, J.

Nsr

W.P.(MD).No.3640 of 2021

31.08.2023