



W.P.(MD) No.4256 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.4256 of 2020

and

W.M.P(MD) No.3590 of 2020

M/s.Sri Shanmuga Castings,
Jambuthurai Kottai,
Nilakottai Taluk,
Dindigul District.

... Petitioner

Vs.

The Superintendent Engineer,
TANGEDCO,
Dindigul.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent made in his Letter No. SE/ DEDC / DGL/AEE/ GL\AE.1/F.HT Doc/D.No.139/20 dated 13.02.2020 and quash the same and consequently, direct the respondent to drop the entire proceedings with regard to the above impugned order.



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W.P.(MD) No.4256 of 2020

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition is filed for issuance of writ of certiorarified mandamus, to call for the records of the respondent made in his letter No.SE/DEDC/DGL/AEE/GL/AE.1/F.HT Doc/D.No.139/20 dated 13.02.2020 and quash the same and consequently, direct the respondent to drop the entire proceedings with regard to the impugned order.

2. It is the case of the petitioner that he was running a Foundry in the name and style of Sri Shanmuga Casting. He had submitted a Form-IV application for electricity connection for minimum demand of 22 KV HT supply and maximum demand of 300 KV HT. The petitioner had paid a sum of Rs.40,000/- for metre caution deposit, a sum of Rs.1,05,000/- for developing charges and Rs.1,51,544/- for estimate



W.P.(MD) No.4256 of 2020

charges in all a sum of Rs.2,96,540/- to the respondents in the month of September 2019. The respondent had sent a letter dated 19.08.2019 imposing several conditions on the petitioner as per the condition No.13 the supply was assured to be effected by 30.10.2019 or within 57 days from the date of collection of the above amount whichever is earlier. Monthly minimum charges was to be levied from the date of issue of supply availability notice. The petitioner would submit that this condition has not been complied with. He had received letter from the respondent in Letter No.SE/DEDC/DGL/AEE/GL/AE.1/F.HT/Doc/D.No. /19 dated .10.2019 in which the respondent had stated that since the main and check metre were not available with him and he could purchase the same from NABL accredited laboratory within 15 days.

3. The petitioner would submit that since he had already paid the amount for the purpose both the main metre as well as the check metre, this was the unreasonable demand. Further the respondent promised to give the supply on or before 17.10.2019 and after this date, the respondent had issued the above referred letter. It is his further case on



W.P.(MD) No.4256 of 2020

02.01.2020 without any intimation the respondent had fixed the single metre in his factory without fixing the check metre and had demanded payment of minimum charges by their letter dated 13.02.202 which is the subject matter of challenge.

4. The respondent has filed a counter affidavit *inter alia* contending that as per the condition of the service connection, the petitioner was liable to pay the monthly minimum charges as per the regulations 31(5) of Tamil Nadu Electricity Distribution Code for the period from the date of issue of first notice of supply availability till the date of availing supply. The respondent was ready to provide supply from the date 02.01.2020 onwards but the respondent has shown his readiness only on 15.05.2020 and kept the application process pending. Therefore, he was liable to pay minimum charges and the writ petition ought to be dismissed.

5. A perusal of the impugned order would show that the entire installation work had been completed by TANGEDCO on 17.10.2019



W.P.(MD) No.4256 of 2020

and what remained was only the erection of the metring set. Since the metering set was not available, the respondent had called upon the petitioner to purchase the same at the cost of the TANGEDCO, which was not complied with by the petitioner. Thereafter, the respondent had fixed the metre set and had effected the supply on 02.01.2021 and intimated the same to the petitioner. Therefore, the petitioner is liable to pay the minimum charges as per the regulations. The documents which have been produced on the side of the petitioner as well as the respondent would clarify the above. Therefore, I see no reasons to interfere with the impugned order which has been passed only in keeping with the regulations. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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W.P.(MD) No.4256 of 2020

P.T.ASHA, J.

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W.P.(MD) No.4256 of 2020

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