



DATED : 03.10.2023

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

The Procurator,
The Capuchin Friars Minor Society,
Gnanalaya,
26, Birds Road,
Tiruchirappalli – 620 001.

... Petitioner

$$V_S$$

1.The Supreintending Engineer,
TANGEDCO,
Trichy Electricity Distn.Circle/Metro,
Manapuram,
Trichy – 620 020.

2.The Assistant Executive Engineer,
TANGEDCO,
Operation & Maintenance, Palakkarai,
Thenuur,
Trichy – 620 017.

3. The Assistant Engineer,
TANGEDCO,
Operation & Maintenance,
Junction Division,
Trichy – 620 001.

... Respondents



W.P(MD)No.4484 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.Me/Po/Thi.Mi.Pa.Va/Peru/Thiru/Oo.Se.Po/Oo.Mi.Po/Viri/Ko.Pothu/A.No. 488/21 , dated 16.09.2021 on the file of the first respondent and quash the same as illegal and consequently to direct the respondents 1 to 3 to reclassify the Service Connection in SC.No.211-001-341 to Domestic Tariff (1a) Service within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a registered religious Society. Ordained priests associated with the Society are residing in the petition mentioned premises. Since a small portion of the premises was used for office purposes, TANGEDCO wanted to treat the electricity service connection under commercial category and not under domestic category. Questioning the same, the petitioner filed W.P(MD)No.13409 of 2011. The writ petition was allowed in the following terms:



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“4.In particular, she pointed out that the premises in question is used only for housing the ardent priests and not for any other purpose. According to her, the connection was rightly given under domestic category and the respondents erred in reclassifying the same.

5. I find considerable force in the contention advanced by the petitioner's counsel.

6. But then, the learned Standing Counsel produced before me the photographs of the name board of the petitioner Society, in which, it has been mentioned that the working hours will be from 10.00 a.m., to 12.20 p.m., The Standing Counsel complained that the petitioners were not even willing to let the inspecting officials to enter the premises and that the petitioner had not given any proper explanation and that led the respondent to pass the impugned order.

7.At this stage, the petitioner's counsel states that a small place, measuring 10 X 10 square feet is being used as the office of the Society. The respondent cannot take objection to that.

8.Since some new development had come into play, in the very nature of things, the issue has to be remanded to the file of the second respondent. The impugned communication is quashed and the second respondent will issue fresh notice to the petitioner and after holding an enquiry, the second respondent will pass appropriate order on merits and in accordance with



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law. The sums already paid by the petitioner will be adjusted in terms of the order to be passed by the second respondent. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.”

Pursuant to the aforesaid direction, enquiry was held and TANGEDCO reiterated its earlier stand. Challenging the communication dated 16.09.2021, the present writ petition has been filed.

3. The primary objection taken by TANGEDCO is that a board has been installed outside the premises indicating the visiting hours. From this circumstance, TANGEDCO had come to the conclusion that the premises are used as office also.

4. I am not able to appreciate the stand taken by TANGEDCO. Since the occupants of the premises are ordained priests, the members of the public including lay devotees are bound to meet them. Of course, for the convenience of the occupants, visiting hours had been stipulated. No exception can be taken to that. The building is called as “Gnanalaya”. It is only a name and it cannot connote anything else.



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5. The learned counsel appearing for the petitioner reiterates that the Society has an independent office and that the petition mentioned premises are used exclusively for residential purposes. The said undertaking given by the petitioner through his counsel is recorded. If there is any change of user, TANGEDCO may revisit the issue. I am satisfied that as on date the case for treating this service connection under domestic category has been amply made out. The impugned communication is quashed.

6. This writ petition is allowed accordingly. If any amount had already been paid by the petitioner because of the classification of the service connection under commercial category, the said amount shall be adjusted against the petitioner's future dues. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

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W.P(MD)No.4484 of 2022
and
W.M.P(MD)No.3771 of 2022

03.10.2023