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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5629 of 2020

and

W.M.P(MD)No. 4925 of 2020

Kaliarasi Educational Trust,
Thamirabharani Engineering College.

... Petitioner

Vs.

1. The Superintending Engineering,
Tamil Nadu Electricity Board,
TANGEDCO,
Maharaja Nagar,
Tirunelveli – 11.

2. The Assistant Engineer (Distribution & Urban),
Tamil Nadu Electricity Board,
TANGEDCO,
Thatchanallur,
Tirunelveli .

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ka.no.U.Me.Po/Viniyogam/Thatchai/VaMe/A.no.139, dated 25.9.2019 and to



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quash same and directing the respondents to withdraw the claim of Rs.60,739 for the petitioner service connection 007-013-230.

For Petitioner : M/s.T.Selvan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

This writ petition is filed for *Writ of Certioraried Mandamus* to quash the impugned order, dated 25.9.2019 and directing the respondents to withdraw the claim of Rs.60,739/- from the petitioner's service connection 007-013-230.

2. The petitioner is a Trust and running Engineering College namely, Kaliarasi Educational Trust, Thamirabharani Engineering College at Thatchanallur, Tirunelveli. The College was opened for the purpose to uplift the educationally weaker section people in an around Tirunelveli and it was opened in the year 2011. The said college is running under the Anna University and AICTE. The electricity service of connection is used for only teaching purpose to explain and taught about different parts of the Welding Machines and their functioning and how they are interconnected. Hence, the contention of the



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petitioner is that they should not be termed as using for Industrial purpose and the assessment under Tariff of II B2 is incorrect.

3. Based on the audit objection, the respondents have received an Audit slip, in order to rectify the objections, the respondents had issued the impugned order to the petitioner and demanded the amount. The further contention of the petitioner is that the respondents have not issued any show cause notice, before demanding the amount based on the audit slip, hence there is a violation of principles of natural justice and prays to quash the impugned demand.

4. Considering the rival submissions, this Court is of the considered opinion that the impugned demand is issued without issuing show cause notice and thereby violated the principles of natural justice. Hence the petitioner is directed to consider the impugned order as if it is show cause notice and shall submit an explanation to the same. On receipt of the explanation the respondents shall fix a date for personal hearing and thereafter the respondents shall pass appropriate orders.



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5. The further contention of the petitioner is since it is using for educational purpose the respondents cannot fix the Tariff under II B2. This contention of the petitioner is rejected since the the respondents are not appropriate authorities to fix the tariff for educational purpose. The Tamil Nadu Electricity Regulatory Commission [TNERC], is an appropriate authority to fix the Tariff. Therefore, the petitioner is directed to submit an application before the TNERC, as and when the TNERC is conducting revision of Tariff through public meetings.

6. With these observations and directions, this Writ Petition is allowed as per above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
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2. The Assistant Engineer (Distribution & Urban),
Tamil Nadu Electricity Board,
TANGEDCO,
Thatchanallur,
Tirunelveli .
3. The Tamil Nadu Electricity Regulatory Commission,
IV Floor, SIDCO Corporate Office Building,
Thiru-VI-KA Industrial Estate,
Guindy,
Chennai 600 032.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 5629 of 2020**

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