



W.P(MD)No.13141 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13141 of 2022

K.Rajangam

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
6th Floor, TANTRASCO Building,
144, Annasalai, Chennai – 600 002.
- 2.The Chairman,
Tamilnadu Electricity Ombudsman,
4th Floor, SIDCO Corporate Office Building,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.
- 3.The Chairman,
Consumer Grievance Redressal Forum,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Meenachinayakanpatti,
Dindigul – 624 004.
- 4.The Executive Engineer / North,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Meenachinayakanpatti,
Dindigul – 624 004.



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5.The Assistant Executive Engineer / City / Dindigul,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Soundaraja Mills Road,
Near Industrial Road,
Dindigul – 624 002.

6.The Assistant Electrical Engineer /City / Bus Stand / Dindigul,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Soundaraja Mills Road,
Near Industrial Road,
Dindigul – 624 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent dated 19.05.2022 in appeal No.08/2022 and quash the same and consequently direct the 4th respondent to re-convert the electricity connection in service connection No.05-220-016-322, situated at 50, Spencers Compound, Dindigul from “Commercial Tariff to Domestic Tariff” further to adjust the levied commercial charges apart from the residential consumption charges from January 2017 to till the date of conversion from commercial tariff to Domestic Tariff in the upcoming bills for the service connection No.05-220-016-322.

For Petitioner : Mr.J.Thomas Raja Durai

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



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ORDER

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Heard both sides.

2.The only question that calls for consideration is whether the petition mentioned service connection can be classified under the commercial tariff category or domestic tariff category.

2.The petitioner is a practising lawyer. He is having an office attached to his residential premises. It is beyond dispute that T.N.E.R.C. passed the following order:-

“T.N.E.R.C. Determination of Tariff for Generation and Distribution Order in T.P. No.1 of 2017 dated 11-08-2017 (Effective from 11-08-2017)

(g) Consulting rooms of size limited to 200 square feet of any professionals attached to the residence of such professionals. This facility is extended exclusively to take advantage of using the residence by the professionals.”



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3. When the matter was listed yesterday ie., 04.10.2023, I directed the respondents to do spot inspection and inform this Court if the petitioner's office is a part of his residence or an independent one. The petitioner was also directed to extend his cooperation.

4. Today when the matter was taken up for hearing, it is informed by the respondents that the office run by the petitioner is very much part of his residential premises. Therefore, the order impugned in this writ petition is set aside and the writ petition is allowed. But then, as rightly pointed out by the learned standing counsel for TANGEDCO, the petitioner can very well use the electricity service connection given for his residence for the purpose of running his office also. There is absolutely no need for having a separate office connection. Therefore, the respondents are permitted to disconnect the electricity service connection meant exclusively for the petitioner's office portion. The petitioner can very well use the domestic connection given for the ground floor for his office purpose also.



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5.The learned counsel for the petitioner points out that on 29.05.2015, an inspection was conducted by TANGEDCO official and they took exception to the utilization of the domestic service connection for office purpose also and that was why, the petitioner had to apply for an independent service connection.

6.Since the respondents were responsible for the petitioner obtaining an exclusive electricity service connection for his office, since It is found that the office is very much part of petitioner's residence, it shall also be treated only under domestic category and not commercial category. The impugned order is set aside and the writ petition is allowed with the aforesaid direction to the respondent to disconnect Service Connection No.05-220-016-322. The petitioner is permitted to use the domestic service connection for his office purpose also. No costs.

05.10.2023

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

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