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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18973 of 2020

R. Thanga Pushpam

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Divisional Engineer,
Highways Department (Construction and Maintenance),
PWD Office,
Nagercoil,
Kanyakumari District.
3. The Superintending Engineer,
Kanyakumari Electric Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Nagercoil-629 003,
Kanyakumari District.
4. The Executive Engineer,
Electric Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Nagercoil-629 003,
Kanyakumari District.



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5. The Junior Engineer,
Electric Distribution,
Tamil Nadu Generation and Distribution Corporation Limited,
Ethamozhi,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ Mandamus***, directing the respondents 3 to 5 based on the petitioner's representation, dated 04.11.2019 to change the electricity service connection No.125-011-1398 tariff from Tariff V to agricultural purpose Tariff III A1.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.C.Baskaran,
Government Advocate, for R-1 & R-2

: Mr.S.Deenadhayalan,
Standing Counsel, for R-3 to R-5

ORDER

This writ petition is filed for ***Writ of Mandamus***, directing the respondents 3 to 5 based on the petitioner's representation, dated 04.11.2019 to change the Tariff for the electricity Service Connection No.125-011-1398 from Tariff V to agricultural purpose Tariff III A1.



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2. Heard Mr.K.Vamanan, the Learned counsel appearing for the Petitioner, Mr.C.Baskaran, the Learned Government Advocate appearing for R-1 & R-2 and Mr.S.Deenadhayalan, the Learned Standing Counsel appearing for R-3 to R-5 and perused the material documents available on record.

3. The contention of the petitioner is that he is doing agricultural activities, like cultivating Banana, Coconut, Cashew Nut, Mango and Vegetables etc. The petitioner is doing agricultural allied activities. The specific contention of the petitioner is that he is not running a Nursery Garden. Hence, the petitioner is seeking to change the Tariff from Tariff V (Commercial) to Agriculture Tariff III-A1 (Single Phase).

4. In support of his contention, the petitioner has relied on the Certificate issued by the Horticulture Department. Moreover, he is also relied on the Pradhan Mantri Fasal Bima Yojana (PMFBY), where it has been certified that the petitioner is small farmer carrying on farming activities and had insured his crops.



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5. It is seen that the Tariff Order has categorized the agricultural allied activities and the relevant portion is extracted hereunder:

1.17.1 The connected load for supply under this tariff category shall not exceed 10 HP.

1.17.2 This tariff is applicable to Cottage and tiny industries, micro enterprises engaged in the manufacture or production of goods pertaining to any industries specified in the first schedule to Industries (Development and Regulations) Act 1951 (Central Act 65 of 1951).

1.17.3 The intending consumers applying for service connection under LT Tariff III A (1) claiming to have established the micro enterprise engaged in the manufacture or production of goods shall produce the cottage industries certificates from the industrial department /acknowledgement issued by the District Industries Center under the Micro Small and Medium Enterprises Development Act, 2006 (Act 27 of 2006) as proof for having filed Entrepreneurs Memorandum for setting up of Micro Enterprises for manufacture or production of goods with District Industries Center under whose jurisdiction the Enterprise is located.

1.17.4 The existing consumers who are classified under LT Tariff III A (1) based on the SSI / Tiny Industries Certificate may be continued to be charged under the same tariff.



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1.17.5 This tariff is applicable to Small gem cutting units, Waste land development, laundry works, Common effluent treatment plants.

1.17.6 This tariff is also applicable to Coffee grinding, Ice factory, Vehicle Body building units, saw mills, rice mills, flour Mills, battery charging units.

1.17.7 This tariff is also applicable for sericulture, floriculture, horticulture, mushroom cultivation, cattle farming, poultry and bird farming, dairy units and fish/prawn culture who have not been covered under LT Tariff IV and which are run on commercial lines.

6. By taking all facts in to consideration, the respondents are directed to consider the petitioner's case, based on the evidences produced by the petitioner. The petitioner is further directed to submit any other evidence if he is possessing. The respondents are directed to grant personal hearing to the petitioner as well. The said exercise shall be completed within a period of six weeks, form the date of receipt of a copy of the order.



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7. With the above said observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note to Office : Issue a copy of order on 14.09.2023



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To

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S.SRIMATHY, J.

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