



W.P(MD)No.2141 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.2141 of 2014 and  
M.P(MD) No.1 of 2014

The Superintending Engineer,  
Madurai EDC/Metro, TANGEDCO,  
Madurai.

...Petitioner

Vs

1.The Ombudsman,  
Tamil Nadu Electricity Ombudsman,  
19-A, Rukmani Lakshmi pathy Salai (Marshall Road),  
Egmore,  
Chennai – 600 008.

2.M/s. Visvas Promotors (P) Limited,  
Represented by its Managing Director,  
Thiru.S.Sethuraman,  
No.78, T.P.K. Road,  
Andalpuram,  
Madurai.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 03.08.2012



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passed in Appeal No.89 of 2011, on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Deenadhayalan  
Standing Counsel  
For R1 : No appearance  
For R2 : Mr.T.Antony Arulraj

### **ORDER**

The Superintending Engineer, Madurai EDC/Metro, TANGEDCO has filed this writ petition as against the order of Ombudsman, on an appeal preferred by the second respondent, namely, M/s.Visvas Promoters (P) Ltd., Madurai, which was filed as against the demand made by the TANGEDCO for extension charges.

2.The second respondent, namely M/s.Visvas Promoters Private Limited, Madurai, who was engaging in the business of promoting and building residential colonies in and around Madurai, while availing electricity service connection to their Residential Colonies, paid a sum of Rs.8,55,915/- towards



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cost of equipment, development charges and service connection charges. Subsequently, the second respondent requested to refund the equipment charges, development charges and service connection charges from the petitioner. According to the petitioner/TANGEDCO, on the demand made by the second respondent alone, the petitioner has provided separate distribution transformers and the second respondent has also paid the installation cost. Thereafter, the second respondent filed a petition before the Consumer Grievance Redressal Forum of Madurai Electricity Distribution Circle for refund of the above charges and the same was rejected. Challenging the same, the second respondent has preferred an appeal before the first respondent/the Ombudsman. The Ombudsman has held that the petitioner herein/TANGEDCO is not entitled to collect any other charges other than the charges of service connection charges, metering deposit, development charges, EMD and Security deposit and directed the petitioner to refund the amount incurred towards



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providing electric line and plant. Aggrieved over the same, the present writ petition is filed.

3.The learned Standing Counsel appearing for the petitioner/TANGEDCO claims that the second respondent has made a request for additional load for distribution and therefore these charges have been collected from the second respondent towards extension of service connection. The learned Standing Counsel by referring Clause 2 of Regulation 45 submits that in view of this provision, the Board is entitled to collect charges for extension/ improvement or for additional load, under the category of service connection charges from the consumers.

4.This Court considered the submissions made by the learned Standing Counsel and perused the materials placed on record.



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5.The second respondent, namely, M/s.Visvas Promoters (P) Ltd., Madurai has applied for electricity service connection to their colonies and paid a sum of Rs.8,55,916/- towards cost of equipment. Later, the second respondent by referring the TNEB rules, claimed for refund of the equipment charges, development and service connection charges. The petition filed by the second respondent before the Consumer Grievance Redressal Forum of Madurai Electricity Distribution Circle for refund of the above charges was rejected. Challenging the same, the second respondent preferred an appeal before the first respondent/Ombudsman. The Ombudsman, by referring the order passed by the Tamil Nadu Electricity Regulatory Commission in the year 2008 has taken a decision and passed the order impugned in this writ petition by holding that the Board is not supposed to collect any other charges other than the charges mentioned in the Tamil Nadu Electricity Distribution Code.



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6.In view of the above, this Court is not inclined to interfere with the order of the first respondent. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**28.04.2023**

NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes / No.  
vrn



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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.2141 of 2014 and**  
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