



WA No.2279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WA No.2279 of 2023
and CMP No.19537 of 2023

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002.

2. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, Tirupur.

.. Appellants

-VS-

M/s.Tarsum Steels India Pvt. Ltd.,
H.T.Sc.No.361, Palladam,
S.F.156/1B, Trichy Road, Madhapur Village,
Palladam, Tirupur 641 664, Rep. by its
Managing Director, S.Thangarajan.

.. Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in W.P.No.21686 of 2016 dated 20.10.2022.

For the Appellants : Mr.L.Jaivenkatesh

For the Respondent : Mr.AR.L.Sundaresan
Senior Counsel
for Mr.K.Seshadri

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.L.Jaivenkatesh, learned counsel for the appellants and Mr.AR.L.Sundaresan, learned senior counsel for the respondent.

2. The present respondent has filed the writ petition challenging the demand notice issued by the present appellants for payment of short levy consumption charges. The learned Single Judge allowed the writ petition. Aggrieved thereby, the present appeal.

3. The learned counsel for the appellants submits that the recording of the energy consumption at the main meter and the check meter was 38.8.% less than the one recorded at the sub-centre. Pursuant thereto, the notice was issued for payment of short levy consumption charges. The said aspect has not been considered properly. Even the energy consumption as shown by the writ petitioner does not match with its production record. For 52 days, the



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energy consumption is recorded as zero unit, whereas the production is of more than 313 metric tonne. This aspect has not been properly considered by the learned Single Judge.

4. We have heard the learned senior counsel for the respondent/writ petitioner, who submits that the sub-centre is situated beyond 6.5 kms. of the writ petitioner factory premises. The main meter is inside the factory premises and the check meter is outside the factory premises. It is not a case of tampering of the meter by the respondent/writ petitioner.

5. We have considered the submissions.

6. There is no allegation of tampering of the meter or the pilferage on the part of the respondent/writ petitioner. It also appears that though the present appellants contend about short levy consumption charges and the meter was recording 38.8% less consumption, the same could not be proved from the fact. The main meter and the check meter installed at the petitioner's factory premises were not termed as faulty nor never checked with any



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accredited institution. The meter at the sub-centre is beyond the distance of 6.5 kms. from the writ petitioner's factory. It is not the case that the recording at the sub-centre was in the presence of the writ petitioner or its representatives. In view of the aforesaid facts, we do not find any error committed by the learned Single Judge in passing the impugned order.

In light of the above, the Writ Appeal is dismissed, however, without any order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.) (J.S.N.P., J.)
03.04.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(sra)

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