



W.P.No.9692 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9692 of 2021
and W.M.P.Nos.10276 & 10277 of 2021

G.Thirupathi

...Petitioner

-Vs-

1. The Assistant Engineer,
O & M, TANGEDCO,
Ambalur,
Tirupattur District – 635 801.

2. The Superintending Engineer,
TANGEDCO, Tirupattur,
Tirupattur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent impugned orders in Ka.Kn.Ee&Pa Ambalur Pirivu/Hr D.No. 143 dated 09.12.2019 and Ka.En.Vu.Po. Ambalur Ka.Kn.Tha.En.175 dated 04.03.2021 and quash the same only with respect to the demand of Rs.13,463/- towards the difference in Tariff consequently directing the respondents to charge the petitioner for the service connection No.432-018-1001 under Tariff IIIA1 only.



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For Petitioner : Mr.J.Saravana Vel

For Respondents : Mr.S.Madhusudhanan
Standing Counsel

ORDER

This writ petition has been filed for challenging the orders passed by the first respondent dated 09.12.2019 and 04.03.2021, thereby demanding the petitioner to pay a sum of Rs.13,463/- towards the difference in tariff.

2. The petitioner had started a micro enterprise in the year 2013, for the manufacture of wood items in the name and style of Sri Thirumalai Wood Works. Therefore, the petitioner is entitled for subsidized tariff for the low tension power. The petitioner applied for the low tension power electricity connection upto 10 HP on 18.04.2013. The petitioner also paid requisite fees and the electricity service connection was effected on 17.06.2013 under Tariff IIIB. Therefore, the petitioner made request to the first respondent for subsidy being a micro industry and correct the electricity tariff as IIIA1. In fact, the first respondent made entry in the white meter card and accordingly the petitioner has paid electricity charges under IIIA1 tariff.



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3. While being so, the petitioner was served with impugned orders thereby stating that the petitioner has been taken 8 Kilowatt load of new electricity connection under IIIB and the petitioner had paid amount only application for tariff change. However, the petitioner did not pay any necessary fees for tariff change and without paying the said fees the tariff was changed from IIIB to IIIA1. Therefore, there was an audit objection and now made the demand. Aggrieved by the same, the petitioner filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner was not given any opportunity before passing the order impugned in this writ petition. He also obtained information under the Right to Information Act stating that tariff was changed to IIIA1 from 26.10.2013. Therefore, the petitioner need not to pay any difference of tariff from IIIB to IIIA1. The first respondent after providing electricity service connection, the petitioner sought for change of tariff in electrical service connection from IIIB to IIIA1 and the same was effected from 26.10.2013.

5. Heard the learned counsel appearing on either side and perused the material places before this Court.



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6. On perusal of the counter revealed that the audit objection was raised stating that the petitioner availed service connection under IIIB with maximum demand of 9.5 HP. The petitioner is the micro enterprise and the load would not exceed beyond 9.5 HP. Therefore, the tariff was changed on 26.10.2013. During the subsequent audit inspection on 22.08.2019, it was observed that there was no document for change of tariff from IIIB to IIIA1 and the demand was recorded as 8 KW for the period from February, 2014 to December, 2015 and as 9 KW for period February, 2016. Accordingly the balance shortfall was calculated and issued demand to the petitioner.

7. Considering the above facts and circumstances, the order impugned cannot be sustained and it is liable to be set aside on the sole ground that the petitioner was not given opportunity before passing the order of demand. Accordingly, the impugned orders passed by the the first respondent in Ka.Kn.Ee&Pa Ambalur Pirivu/Hr D.No. 143 dated 09.12.2019 and Ka.En.Vu.Po. Ambalur Ka.Kn.Tha.En.175 dated 04.03.2021, are hereby quashed. The first respondent is directed to issue notice to the petitioner and after giving an opportunity of hearing, pass a



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fresh order in accordance with law. Till then, the respondents shall not disconnect the electricity service connection which was already provided to the petitioner.

8. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

24.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Assistant Engineer,
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Ambalur,
Tirupattur District – 635 801.
2. The Superintending Engineer,
TANGEDCO, Tirupattur,
Tirupattur District.

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