



W.P.No.11363 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11363 of 2022

And

W.M.P.Nos.10898, 10900, 10901 and 10902 of 2022

Tube Investments of India Limited
Rep. by its President (Legal)
and Company Secretary

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Represented by its Chairman and Managing Director
No.144, Anna Salai,
Chennai – 600 002.

2.The Assistant Executive Engineer
Operation & Maintenance
Thirumullaivoyal SIDCO
Chennai West EDC, TANGEDCO
Chennai – 600 052.

3.The Superintending Engineer
Chennai West EDC, TANGEDCO
Chennai – 600 040.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus, calling for the records of the
second respondent comprised in its Order bearing



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No.AEE/O&M/Thirumullaivoyal F. Theft of Electricity/Branch/Dispatch dated 20.04.2022 and quash the same as being arbitrary, illegal, unreasonable, without jurisdiction and contrary to principles of natural justice and consequently direct the respondents to continue to bill the petitioner's service connection no.090540053029 under LT IIIB (Industrial) category.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.L.Jai Venkatesh

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent comprised in its Order bearing No.AEE/O&M/Thirumullaivoyal F. Theft of Electricity/Branch/Dispatch dated 20.04.2022 and quash the same as being arbitrary, illegal, unreasonable, without jurisdiction and contrary to principles of natural justice and consequently direct the respondents to continue to bill the petitioner's service connection no.090540053029 under LT IIIB (Industrial) category.

2.The learned counsel appearing for the petitioner submitted



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that the petitioner obtained electricity service connection for industrial use and on 20.04.2022 the second respondent conducted inspection and thereafter issued report stating that the service connection is used for commercial purpose and directed the petitioner to pay the compounding fee of Rs.1,40,000/- and issued the impugned order directing the petitioner to pay penal charge on account of misuse of tariff of Rs.35,45,639/-. The learned counsel further submitted that there is effective alternative remedy available before the Electricity Regulatory Commission in respect of such matters and hence, this Court may permit the petitioner to approach Electricity Regulatory Commission.

3.The learned Standing Counsel appearing for the respondents submitted that the petitioner committed theft of electricity for which the petitioner agreed to pay the compounding fee of Rs.1,40,000/- and further submitted that once the petitioner admits the guilt, the petitioner is not entitled to file writ petition before this Court.

4.Heard the arguments advanced on either side and perused the materials available on record.



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5.The petitioner is involved in manufacturing tubes and strips.

The petitioner obtained electricity connection under the industrial tariff. However, the respondent claim that during the surprise inspection, the electricity service connection was mis-used for warehouse purpose which is commercial one, thereby the respondent collected compounding fee and passed the impugned order. However there is remedy available before the Electricity Regulatory Commission which had considered similar matters.

6.In view of the above, this Court without going into the merits of the case, directs the petitioner to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the second respondent, without prejudice to its rights and contentions, within a period of four weeks from the date of receipt of a copy of this order and the petitioner shall file appeal before the Electricity Regulatory Commission, within a period of four weeks thereafter. If the petitioner succeeds in the appeal that is going to be filed before the Electricity Regulatory Commission, the second respondent shall refund the amount deposited by the petitioner. The interim order granted by this Court on 29.04.2022 shall continue till the disposal of the appeal that is going to be filed by the petitioner before the Electricity Regulatory Commission.



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The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

7.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

12.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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Chennai – 600 002.
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