



W.A.No.2357 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2357 of 2021

1. The Superintendant Engineer
Kanchipuram Electricity Distribution Circle
Tamil Nadu Generation and Distribution and Corporation Ltd.
Railway Station Road, Kanchipuram – 631 502.
 2. The Executive Engineer
(Operation and Maintenance/South)
Kanchipuram Electricity Distribution Circle
Railway Station Road
Kanchipuram – 631 502.
- .. Appellants

Vs.

M/s.JSK-M-Sand
Represented by its Partner, P.Janakiraman
Having Office at No.8B
Sivashanmugam Street, Tambaram
Chennai – 600 045.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 06.07.2021 in W.P.No.17685 of 2020.

For the Appellants : Mr.L.Jaivenkatesh

For the Respondent : Mr.V.P.Sengottuvel
Senior Counsel
for Mrs.K.Indu Priya
and Mr.A.Akshaykumar



W.A.No.2357 of 2021

WEB COPY

JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The present intra Court appeal has been instituted challenging the writ order dated 06.07.2021 in W.P.No.17685 of 2020.

2. The issue raised is regarding the payment of monthly minimum charges as per the Regulations. It is not in dispute between the parties that the Superintending Engineer, Kanchipuram Electricity Distribution Circle, vide letter dated 28.08.2020, issued a supply availability notice to the respondent. Three months' time was granted to avail the supply, failing which, the monthly minimum charges are to be paid by the respondent. For the first three months, no monthly minimum charges needs to be paid. The respondent, vide letter dated 21.09.2020, informed the appellants that the HT TOD Meter has not been provided, therefore, they are not in a position to avail supply.

3. The learned counsel for the appellants would submit that the reasons stated is incorrect in view of the fact that the respondent themselves have to install the TOD Meter and they have done the same subsequently.



W.A.No.2357 of 2021

WEB COPY

4. Despite the fact that the monthly minimum charges are not applicable for a period of three months as per the supply availability notice dated 28.08.2020, the appellants have issued demand charge letter dated 17.11.2020 asking the respondent to pay the monthly minimum charges of Rs.10,50,000/- by way of a demand draft. The demand notice issued by the appellants and the consequent order of cancellation came to be challenged in the writ proceedings.

5. The learned Single Judge elaborately considered the issues.

6. The learned counsel for the appellants admit the fact that after expiry of first three months' notice period, the respondent is liable to pay the monthly minimum charges. The learned Single Judge has restricted the payment only for three months and waived the demand made in respect of the notice period of three months. Therefore, we do not find any infirmity in respect of the order passed by the Writ Court.

7. It is brought to the notice of this Court that subsequently,

Page 3 of 5



W.A.No.2357 of 2021

WEB COPY

the respondent availed the electricity service connection and is paying the electricity consumption charges. However, *Mr.V.P.Sengottuvel*, learned Senior Counsel for the respondent would submit that the demand amount has been paid since the appellants refused to provide service connection. The said amount was paid subject to the writ appeal pending before this Court.

8. Therefore, the charges in excess is directed to be adjusted towards the electricity consumption charges. In respect of all other findings, we concur with the Writ Court and therefore, the writ appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.15032 of 2021 is closed.

(S.M.S., J.)

(C.K., J.)

04.07.2024

Index : Yes/No

Neutral Citation : Yes/No

drm



WEB COPY



W.A.No.2357 of 2021

S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

(drm)

W.A.No.2357 of 2021

04.07.2024