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W.P.No.22574 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

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

W.P.No. 22574 of 2021
and
W.M.P.No.23801 of 2021

Purani Textiles Private Ltd.,
Rep. by its Director N.Nithyanandan,
No.224/3C, S.r.Thottam
Sithanaikenpalayam (Post), (via) Karadivavi,
Coimbatore – 641 658.

.... Petitioner

Vs

1. The Chairman,
Consumer Grievance Redressal Forum,
(Superintending Engineer),
Coimbatore Electricity Distribution Circle (South),
Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
Coimbatore – 641 012.

2. The Superintendent Engineer,
Coimbatore Electricity Distribution Circle (South),
Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
Coimbatore – 641 012.

3. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Tamil Nadu Generation &
Distribution Corporation Ltd., (TANGEDCO),
Palladam, Tiruppur District.

.... Respondents



W.P.No.22574 of 2021

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the order of the third respondent dated 18.08.2020 in Lr.No.SE/PEDC/Palladam/DFC/AO.REV/D.No.860/20 and quash the same.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 18.08.2020, thereby rejecting the request made by the petitioner to waive off the penalty for exceeding the maximum demand for HT Service Connection No.207 (New No.247).

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is having HT Service Connection No.207 (New No.247) and sanctioned demand is 450 KVA. During the monthly assessment, it was found that the petitioner had used the load of electricity to the tune of 620.64 KVA and that the petitioner has not permitted to use that much of KVA. Therefore, a sum of Rs.2,96,286 /-



was levied as excess demand charge in accordance with Regulation 5(2)(i) of the Electricity Supply Code. Aggrieved by the same, the petitioner approached the Consumer Grievance Redressal Forum. In the first meeting, the Forum held that the correctness of the meter was certified as good. On 11.08.2006 at 13.30 hours, the maximum demand was recorded as 620.64 KVA which was found to be abnormal. Therefore, the Forum would have shot up due to capacitance effect in the service. Therefore, the request made by the petitioner to waive the penalty was found to be genuine and unintentional. The Forum recommended for waiving of the penalty imposed on the petitioner and the normal highest maximum demand reached shall be considered for billing purpose. However, the said recommendation was not accepted by the Superintending Engineer and the petitioner was informed that the waiver of penalty imposed on it was pending with its Head Quarters.

4. Therefore, the subsequent meeting was held on 29.03.2007 and the petition was again taken up for hearing, The Forum resolved the request made by the petitioner for waiver of demand charges on the ground that the recommendations of the Forum did not find favour with the Head Quarters of the second respondent Board. On



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the basis of the report, the petitioner was informed that the request made by him for waiving the penalty for exceeding the maximum demand for the month of August 2006 is not feasible of compliance.

5. Aggrieved by the same, the petitioner approached the Tamil Nadu Electricity Ombudsman in O.P.No.4 of 2007. The Tamil Nadu Electricity Ombudsman rejected the petition filed by the petitioner. Aggrieved by the same, the petitioner preferred a writ petition before this Court in W.P.No.12338 of 2009. This Court, by an order dated 07.06.2019, set aside the order passed by the Tamil Nadu Electricity Ombudsman and remanded the matter back to the Superintending Engineer, to give the reasons as to why the recommendation of Forum is not being accepted.

6. As directed by this Court, the second respondent now passed reasonable order stating that as per load survey data, the petitioner used the lighting load, along with the capacitors, which led to the over compensation and hence the maximum demand raised. Further, the shooting up of maximum demand charges in HTSC No.247 (old HTSC No.207) in the period in question was only due to negligence on the part



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of the petitioner to maintain the capacitance effect and such negligence cannot be considered as an excuse to waive the excess maximum demand penalty charges.

7. The learned counsel appearing for the petitioner contended that the Consumer Grievance Redressal Forum had considered the petition once again on 29.03.2007 and resolved the request made by the petitioner for waiver of demand charges. However, the petitioner was not given an opportunity of hearing on 29.03.2007. It is seen that the petitioner did not even raise this ground before the Electricity Ombudsman. That apart, the petitioner also raised the ground before this Court while challenging the order passed by the Tamil Nadu Electricity Ombudsman date 07.06.2007 in O.P.No.4 of 2007. That apart, it was heard on 29.03.2007. Thereafter, so many orders have been passed and the same were also challenged by the petitioner.

8. So far as the present impugned order in this writ petition is concerned, as directed by this Court, the second respondent passed reasonable order and also stated that the reasons for the request made by the petitioner to waive the maximum demand penalty. Therefore, this



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Court finds no infirmity or illegality in the order passed by the third respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed.

9. Accordingly, this writ petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

12.06.2024

Internet : Yes

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Secretary (CEA),
Central Electricity Authority Seva Bhavan,
R.K.Puram, Sector – 1,
New Delhi – 110 066.

2. The District Collector,
Salem District,
Collectorate,
Salem – 636 001.



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G.K.ILANTHIRAIYAN, J.

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