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W.P.No.22697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22697 of 2024

Annamalai University,
Rep. by its Registrar,
Annamalai Nagar,
Chidambaram – 608 002,
Cuddalore District.

... Petitioner

Vs

The Superintending Engineer,
TANGEDCO,
Cuddalore Electricity Distribution Circle,
Cuddalore – 607 004.

... Respondent

Prayer : Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned proceeding of the respondent in Lr.No.SE/CEDC/CUD/AEE/GL/AE.1/F.HT.95/D.No. 111/2024-25 dated 15.05.2024 and quash the same and consequently direct the respondent to sanction/allocate 2500 KVA as maximum load by reducing 1000 KVA from the existing maximum sanctioned load of 3500 KVA.

For Petitioner	:	Mr.Sithirai Anandam
For Respondent	:	Mr.V.Venkata Seshaiya Standing Counsel



W.P.No.22697 of 2024

WEB COPY

ORDER

This writ petition has been filed challenging the proceedings dated 15.05.2024, in and by which, the respondent rejected the online application received from the petitioner seeking for reduction of demand from 3500 KVA to 2500 KVA on the ground that the audit arrears were not paid though it was already intimated and to direct the respondent to sanction only 2500 KVA from the existing maximum sanctioned load of 3500 KVA.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

3. The case of the petitioner is as follows :

(i) The petitioner university is being run with the electricity connection having the sanctioned maximum load of 3500 KVA. In the recent past, it was observed that the petitioner university consumed a maximum load of 2500 KVA only. Hence, to reduce the maximum sanctioned load to 2500 KVA from 3500 KVA, the petitioner university made an online application dated 01.03.2024 to the respondent after



W.P.No.22697 of 2024

payment of necessary charges towards processing.

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(ii) On receipt of the said online application dated 01.03.2024, the respondent sent a communication dated 25.03.2024 to the petitioner stating that an amount of Rs.3,67,77,511/- towards arrears is due and payable to the respondent for audit slip No.8 dated 24.06.2004 and that though this was intimated to the petitioner vide the communication dated 24.08.2023, the payment was not made. In the said communication dated 25.03.2024, the respondent further requested the petitioner university to make payment of the said sum so as to process their online application for reduction from 3500 KVA to 2500 KVA. Further, by the impugned communication dated 15.05.2024, the respondent informed the petitioner university that the online application dated 01.03.2024 stood cancelled due to non-payment of arrears. Challenging the same, the petitioner is before this Court.

4. Learned counsel for the petitioner submitted that the petitioner made an application before the respondent for reduction of maximum load from 3500 KVA to 2500 KVA, however, the said application is not a bar for the respondent to collect the pending arrears from the petitioner



W.P.No.22697 of 2024

university in the manner known to law. Hence, the rejection order passed by the respondent is *per se* unsustainable. Therefore, he submitted that, this Court may issue a direction to the respondent to restore the application dated 01.03.2024 and pass appropriate orders without reference to the pending arrears.

5. Per contra, the learned Standing Counsel appearing for the respondent submitted that, while restoring the application of the petitioner, this Court may grant liberty to the respondent to recover the pending arrears in the manner known to law.

6. This Court has heard the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

7. Admittedly, the petitioner university is in arrears pursuant to the audit slip No.8 dated 24.06.2004. Though the arrears to the tune of Rs.3,67,77,511/- due were intimated to the petitioner university much earlier, so far the amount remains unpaid. No purpose would be served in rejecting the online application of the petitioner university straight away.



W.P.No.22697 of 2024

Therefore, this Court is of the view that the online application of the petitioner university dated 01.03.2024 seeking for reduction of demand from 3500 KVA to 2500 KVA can be directed to be restored and appropriate orders can be directed to be passed by the respondent. In turn, the respondent can be granted liberty to recover the pending arrears in the manner known to law.

8. In the light of the above discussions, the impugned order dated 15.05.2024 is set aside and the matter is remanded to the respondent for fresh consideration. While re-considering the same, the respondent is directed to pass appropriate orders and the respondent is at liberty to recover the pending arrears in the manner known to law.

9. Accordingly, the writ petition is allowed. No costs.

13.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes (or) No
sp

To
The Superintending Engineer,



W.P.No.22697 of 2024

TANGEDCO,
Cuddalore Electricity Distribution Circle,
Cuddalore – 607 004.

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W.P.No.22697 of 2024

M.DHANDAPANI,J

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W.P.No.22697 of 2024

13.08.2024