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W.P.Nos.35573 and 36406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.35573 and 36406 of 2024

W.P.No.35573 of 2024:

N.K.R.Kumares

..... petitioner

Vs.

1.The Superintending Engineer,
Electricity Distribution Circle,
Tamil Nadu Electricity Board,
No.32/1, Sri Krishna Complex,
Karuppanan Street, Paramathi Road, Namakkal District – 637 001.

2.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Keelerippatti, Suriyampalayam Post,
Tiruchengode Talulk, Namakkal District – 637 209.

3.The Assistant Engineer(South),
Electricity Distribution System,
Tamil Nadu Electricity Board,
Operation and Maintenance,
Tamil Nadu Electricity Board, Suriyampalayam Post,
Tiruchengode Talulk, Namakkal District – 637 209.

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



W.P.Nos.35573 and 36406 of 2024

India, to issue a Writ of Mandamus, directing the respondents to convert the Commercial Tariff in to Residential Tariff i.e., from Tariff V to Tariff IA with respect to Electricity Service Connection No.1770041574 situated at Tiruchengode, Namakkal District in compliance with the decision rendered by this Court in W.P.No.29828/2017 and 2011 (4) CTC 179 by considering the petitioner's representation dated 19.02.2022.

For Petitioner : Ms.P.Neelavathi
For Respondents : Mr.S.Kalaiselvan
Standing counsel (TNEB)

W.P.No.36406 of 2024:

K.Sidheswaran

..... petitioner

Vs.

1.The Superintending Engineer,
Electricity Distribution Circle,
Tamil Nadu Electricity Board,
No.32/1, Sri Krishna Complex,
Karuppanan Street, Paramathi Road,
Namakkal District – 637 001.

2.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Keelerippatti, Suriyampalayam Post,
Tiruchengode Taluk, Namakkal District – 637 209.

3.The Assistant Engineer(South),
Electricity Distribution System,



W.P.Nos.35573 and 36406 of 2024

Tamil Nadu Electricity Board,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Suriyampalayam Post,
Tiruchengode Taluk, Namakkal District – 637 209.

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to convert the Commercial Tariff in to Residential Tariff i.e., from Tariff V to Tariff IA with respect to Electricity Service Connection No.177004157 situated at Tiruchengode, Namakkal District in compliance with the decision rendered by this Court in W.P.No.29828/2017 and 2011 (4) CTC 179 by considering the petitioner's representation dated 19.02.2022.

For petitioner : Ms.P.Neelavathi
For Respondents : Mr.S.Kalaiselvan
Standing counsel (TNEB)

COMMON ORDER

These writ petitions are filed seeking a direction to the respondents to convert the Commercial Tariff in to Residential Tariff i.e., from Tariff V to Tariff IA with respect to Electricity Service Connection Nos.1770041574 and 1770041577 situated at Tiruchengode, Namakkal District by considering the petitioners' representations dated 19.02.2022.



W.P.Nos.35573 and 36406 of 2024

2. It is the case of the petitioners that the petitioners are residing in the above mentioned premises and they are Advocates by profession and they are running the Office in the portion of their residence. Originally, the service connections in the petitioners' residence were assessed on domestic tariff. Subsequently, it was changed to commercial tariff and the petitioners submitted representations before the respondent seeking assessment of the petitioners' current consumption on the domestic tariff taking into consideration, the petitioners are running office only in a portion of the residence. The same has not been considered, hence the petitioner has come before this Court.

3. The learned counsel appearing for the respondents filed a status report stating that entire premises in occupation of the petitioners has been used as Advocate office and no domestic activity is going on in the premises. The learned counsel also submits that the representations submitted by the petitioners seeking conversion of the tariff has been rejected by the 3rd respondent in his proceedings in க.எண்: உ.பொ /இ&ப /தெ /தி.கோடு /கோ.புகாரா `/எண். 524-2,21-22 and க.எண்: உ.பொ /இ&ப /தெ /தி.கோடு /கோ.புகாரா `/எண். 524-3, 21-22, dated 25.03.2022 and the



W.P.Nos.35573 and 36406 of 2024

petitioners have not challenged the same. The representations submitted by the petitioners seeking conversion of the tariff was already rejected by the competent authority/3rd respondent by order dated 25.03.2022. The petitioners have not challenged the same. Further in the status report filed by the 3rd respondent dated 04.12.2024, the entire premises in occupation of the petitioners is used as Advocate Office and there is no domestic activity going on there.

4. A perusal of the status report filed by the 3rd respondent in W.P.No.36406 of 2024 would suggest that there is domestic activity going on in the portion of the premises in occupation of the petitioners. In any event, the representations submitted by the petitioners have been already rejected by the 3rd respondent and it is for the petitioners to challenge the same in the manner known to law. Without challenging the rejection order, the petitioners are not entitled to maintain the Writ of Mandamus before this Court.

5. Accordingly, these writ petitions are dismissed with liberty to challenge the rejection order passed by the 3rd respondent. No costs.



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W.P.Nos.35573 and 36406 of 2024

13.12.2024

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

1.The Superintending Engineer,
Electricity Distribution Circle,
Tamil Nadu Electricity Board,

6/8



W.P.Nos.35573 and 36406 of 2024

No.32/1, Sri Krishna Complex,
Karuppanan Street, Paramathi Road,
Namakkal District – 637 001.

2.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Keelerippatti, Suriyampalayam Post,
Tiruchengode Talulk, Namakkal District – 637 209.

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S.SOUNTHAR, J.

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WEB COPY



W.P.Nos.35573 and 36406 of 2024

W.P.Nos.35573 and 36406 of 2024

13.12.2024