



W.P.(MD) No. 21182 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	DELIVERED ON
13.11.2024	19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.21182 of 2015
and M.P.(MD).No.1 of 2015
and W.M.P.(MD).No.4607 of 2016

SEL-JEGAT Printers Pvt., Ltd.,
Rep., by its Managing Director,
V.S.Raveendran,
No.1, South Car Street,
Sivakasi,
Virudhunagar District.

... Petitioner

/vs./

- 1.The Chairman,
TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai, Chennai.2.
- 2.The Chief Engineer (Distribution)
TANGEDCO,
Tirunelveli Region,
Tirunelveli.
- 3.The Superintending Engineer,
TANGEDCO,
Virudhunagar, Electricity Distribution Circle,
Virudhunagar,
Virudhunagar District.



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4.The Assistant Audit Officer,
TANGEDCO,
POAB/Audit Party No.1,
Tamil Nadu Electricity Region,
Tirunelveli,
Tirunelveli District.

5.The Executive Engineer (Distribution)
TANGEDCO,
Thiruthangal Road, Sivakasi,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned demand order of the third respondent in Lr.No.SE/VREDC/VDR/AEE.GL/AE. 1/F.BOAB/D.No.2015/15, dated 16.11.2015 and quash the same as illegal and arbitrary and pass such other.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.Deenadhayalan
Standing counsel for RR1 to 3 & 5

ORDER

The Writ Petition had been filed challenging the demand made by the third respondent relating to the minimum charges payable by the petitioner.



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2. Heard S.M.Anantha Murugan, learned counsel appearing for the petitioner and Mr.Deenadhayalan, learned Standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner had applied for a grant of new HT service connection dated 29.08.2014. In response to the application filed by the petitioner, the third respondent had issued a letter dated 03.11.2014, calling upon the petitioner to file a maximum demand application along with the necessary documents under demand draft for a sum of Rs.5,60,500/- as an Earnest Money Deposit and the application cost and the same was made by the petitioner on 08.11.2014 and thereafter by a further communication dated 23.12.2014, the third respondent had intimated his payments towards development charges, meter caution deposit and the estimate cost. As requested by the third respondent, the petitioner had also made the payments on 26.12.2014. He would further submit that the services should be effected within 37 days from the date of payment of the said charges, failing which the application deemed to be cancelled and the EMD forfeited. He would submit that after the said payment, the petitioner also



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entered into an agreement with the third respondent for providing 700 KVA HT supply.

4. He would further submit that 11.02.2015, the petitioner was served with a communication dated 05.02.2015, indicating that the work on the side of the respondent was over and is ready to effect the supply provided that the safety certificate as required by law to be produced by the petitioner. The said letter also indicated that the petitioner is also liable to pay the minimum charges from the date of the intimation till the date of actual supply. He would further submit that on receipt of the said letter and finding that the third respondent had not completed the works to effect the supply namely fixing of meters and other materials, for effecting the supply, the said letter had been issued and thereafter, by a communication dated 12.02.2015, the petitioner had made a representation to the third respondent and therefore, the said intimation of supply availability would not bind the petitioner. The petitioner was issued with the safety certificate on 24.03.2015 which had been submitted to the respondent on 25.03.2015, upon which the supply was also effected on 26.03.2015. Thereafter, the petitioner has been paying regularly by monthly charges for the



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electricity consumption by it. There was no demand for minimum charges, but however, by an audit slip dated 03.09.2015, issued by the fourth respondent indicating that the minimum charges have not been levied on the petitioner between 05.03.2015 and 25.03.2015, the third respondent had directed the petitioner to pay a sum of Rs.4,07,581/- within 15 days, failing which the same would be included in the next current consumption bill. A detailed representation was submitted by the petitioner on 29.09.2015 as to why the petitioner was not liable to pay the said amount, particularly when the supply availability intimation was made even before the works for effecting the supply had been completed at the end of the third respondent. By communication dated 04.11.2015, the third respondent had informed that the minimum charges have been levied as per clause 31(5) of the Tamil Nadu Electricity Distribution Code, 2004.

5. According to the petitioner, in the said letter, the third respondent had admitted the non-installation of the meters and other equipment and therefore, he would contend that the said letter had been issued to circumvent liability of the licensee for payment of damages as envisaged under Section 43(1) of the



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Electricity Act, 2003 and Regulation 27 of Tamil Nadu Electricity Code 2004.

He would submit that the third respondent has been intimated already that they have not completed the work on their side by the petitioner on 12.02.2015, no reply had been sent by the third respondent, disputing the same to the demand by the third respondent is without any authority and contrary to the facts of the case. Hence, he would seek interference with the impugned demand order by this Court.

6. The learned Standing counsel appearing on behalf of the respondents would contend that the supply availability intimation dated 05.02.2015 was issued to the petitioner and all works relating to the supply had been completed. The petitioner had only raised his objection to avoid the payment of minimum charges which is to be levied as per clause 31(5) of the Tamil Nadu Electricity Distribution Code, 2004, if a party does not avail the supply with CEIG safety certificate. Since, the petitioner had produced the certificate on 25.03.2015, the supply had been made to the petitioner on 26.03.2015. He would further submit that the contention of the petitioner is to be accepted, then the supply could not have been effected immediately on the next date when the petitioner



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had submitted the safety certificate to the third respondent. This itself would show that the petitioner had come up with the reasons to avoid the payment of the minimum charges. He would further submit that Section 43(1) of the Electricity Act could not be applied to the facts of the present case, as it only provides that the service connection should be effected within one month from the date of receipt of the application, which would only mean that all the requirements would have to be fulfilled by the petitioner. In this case, the requirement of the safety certificate was fulfilled by the petitioner only on 25.03.2015 and immediately on the next day, the supply had been effected and therefore, he would pray this Court to dismiss the Writ Petition.

7. I have considered the rival submissions made by the learned counsel appearing on either side and perused the materials placed on record.

8. It is the case of the petitioner that the supply availability intimation had been made, even though without completing the works at the end of the third respondent. He had relied upon a communication dated 04.11.2015, to claim that the third respondent have not completed the works.



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9. It is to be seen that in the aforesaid letter, the third respondent had intimated the petitioner that the meters and connection to the meters were not installed, as there was no electricity supply effected and the same had been kept for safe custody. As and when the certificate is produced, the meters would be installed and the service is effected. In the present case, the safety certificate was produced by the petitioner on 25.03.2015 and the service was effected immediately on the next date i.e., 26.03.2015. There has been no delay at the end of the third respondent in effecting the supply.

10. As rightly pointed out by the learned Standing counsel appearing for the respondents that for such installation if the works of the third respondent had not been completed on the date of issue, the service would have been effected at a later date and not immediately on the next date. Therefore, I am of the view that the petitioner is liable to make the demand payment of minimum charges as claimed by the third respondent in the impugned proceedings.



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11. In fine, this Writ Petition fails and is accordingly, dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Index : Yes / No

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Internet : Yes / No

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