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W.P.No.39576 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39576 of 2016
and
W.M.P.Nos.33861 and 33862 of 2016

P.Palanisamy,
M/s.Point Textile Process,
Door No.134/1B,
Pachaimman Thottam,
Kasipalayam, Tirupur-641 606.

.. Petitioner

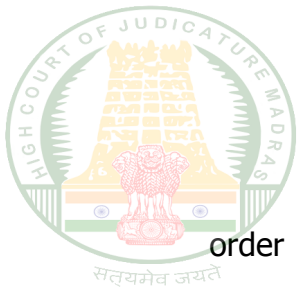
Vs.

1. The Executive Engineer/ O & M,
Tirupur, Tirupur Electricity Distribution Circle,
TANGEDCO (formerly TNEB)
E.D.Office Campus,
Kumaran Nagar, Avinashi Road,
Tirupur-641 603.
2. The Assistant Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, Nallur, Tirupur-641 606.
3. Tamil Nadu Electricity Ombudsman,
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying
for issuance of a Writ of Certiorari to call for the entire records pertaining to the

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order dated 22.09.2016 passed by the Tamil Nadu Electricity Ombudsman/third respondent in Appeal No.39 of 2016 and quash the same

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For petitioner : M/s.V.Pavel

For respondents: Mr.P.Kumaresan, Additional Advocate General,
assisted by Mr.L.Jai Venkatesh

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorari to call for the entire records pertaining to the order dated 22.09.2016 passed by the Tamil Nadu Electricity Ombudsman/third respondent in Appeal No.39 of 2016 and quash the same.

2. The facts in brief, are as follows:

(a) The petitioner was running business in the name and style of M/s.Point Textile Process and the Electricity Service Connection in LTCT.SC.454, II-B, Nallur Distribution Section with demand of 112 KW. The LTCT SC was converted into HT SC for a demand of 200 KVA on 17.03.2004. Till the said conversion, the petitioner paid current consumption charges regularly without any default on his part. However, the respondent demanded to pay a sum of Rs.36,878/- on 25.05.2005, for which, a receipt bearing No.886505 was issued. In the receipt issued, the reason for payment was assigned and stated as KW MD reading penalty amount. That being so, after lapse of some days, the officials attached

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with the respondent obtained the receipt from the appellant and tampered the same by changing the reason for payment as Advance CC charges amount and there is no proper explanation given by the respondent in that regard.

(b) The said Electricity Service connection was converted as HT SC after issuance of No Due Certificate alone and thereafter, all the payments were promptly paid. Further, to the utter shock and surprise, the respondent made an exemplary demand of Rs.17,59,358/- on 25.08.2005 alleging that as per the Audit statements, there was exceeding demand in the aforesaid LT CT for a period from 05/2004 to 17.09.2024, which is false and such demand was made for the reasons best known to the respondent and the Electricity connection has also been disconnected. Even then, such demand was made after a lapse of one year and in the meantime, there is no demand made and the monthly reading will be recorded as per the reading of the Meter the bill was raised, which was duly paid.

(c) Such a colourable exercise of power vested with the respondent herein, had been challenged by the petitioner in the earlier proceedings of the respondent, dated 17.07.2015 before this Court in W.P.No.24018 of 2015 and while adjudicating the issue as to whether there was conditional interim order was passed to restore the electricity connection directing the petitioner to deposit Rs.5,00,000/- which was duly complied and the connection was also restored.



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While disposing of the said Writ Petition, this Court, considering the submissions made by the respondent and other TNEB authority, directed the petitioner to approach the Consumer Grievance Redressal Forum, in view of Section 18 of the Tamil Nadu Electricity and Supply Code, 2004. As per the order of this Court, the petitioner had earlier filed a complaint before the said Forum at Tirupur in CGRF.Petition No.007/15-16.

(d) While deciding the issue, the Consumer Grievance Redressal Forum, without appreciating the real facts and background and without evaluating the contentions put forth by the petitioner in respect of tampering the receipt and merely confining on the Audit report, prepared after a year time from the alleged months, confirmed the demand made by the respondent and directed the petitioner to pay Rs.17,59,398/-.

(e) The forum below had not even considered the fact that the demand made by the respondent is invalid and it was not in accordance with Section 5(2)(ii)(c)(II) of the Tamil Nadu Electricity Supply Code, 2004. Even the audit report also does not follow the provisions of the said Code, 2004, which is not legally sustainable and not maintainable. Such deliberate approach is itself sufficient to strike-off the demand order passed by the respondent.

(f) Without considering all the above aspects, the Forum below had dismissed the plea of the petitioner, dated 29.02.2016, against which, the



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petitioner preferred an appeal before the Tamil Nadu Electricity Ombudsman, Chennai, in Appeal Petition No.39 of 2016. In the said appeal, the respondent had filed counter affidavit. But any-how the claim was not entertained and the appeal was dismissed on 22.09.2016. The dismissal order came to the knowledge of the petitioner through the letter from the second respondent, dated 03.11.2016, conveying the petitioner the dismissal of the appeal and directed the petitioner to pay the said amount within 7 days from the date of receipt of the order. When the petitioner approached the second respondent to obtain the order copy, the second respondent gave a xerox copy of the order and stated that the order copy had been sent by the first respondent through post. But the petitioner did not receive any order from the first respondent and hence, the petitioner had approached the first respondent on 07.11.2016 to obtain the certified copy of the order and it was informed to the petitioner that they had already sent the same to your address and the same will be available in the web-site so that the petitioner could take out a printed copy.

(g) Though the appeal was dismissed on 22.09.2016, the copy was not served on the petitioner and the respondent may take steps to disconnect the service connection. As there was clear violation of the legal enactment and principles of natural justice and as there was also clear violation of the fundamental rights guaranteed under the Constitution of India, the present has



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filed the present Writ Petition for the relief stated supra.

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3. The respondents have filed counter affidavit, dated 28.02.2017, stating as under:

(a) The Electricity service connection bearing SC.No.454 under Industrial Tariff IIIB in Nallur Distribution and section with a sanctioned and permitted demand of 112 KW extended to the petitioner for the company of M/s.Point Textile Process, Tirupur.

(b) The LT CT SC No.454 with a sanctioned demand of 112 KW, was subsequently converted to HT SC with sanctioned demand of 200 KVA on 17.03.2004 as per the requisition of the petitioner.

(c) During the monthly assessment of 05/2004 to 09/2004, it was observed that the petitioner utilised the excess demand (160 KW) over and above the sanctioned and contracted demand of 112 KW. An amount of Rs.36,878/- levied towards the excess demand charges as per the TNERC Supply Code/Regulations and the petitioner agreed the amount and deposited the amount of Rs.36,878/- on 25.05.2005.

(d) After converting of LT SC to HT SC as per the petitioner's request, the accounts of LT SC 454, was audited by the Audit Officer of Distribution licensee. In the audit, the Auditors found that the excess demand charges calculated by the Area Engineer is limited to the level of Rs.36,878/- instead of Rs.17,59,398/-.

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With regard to the excess demand charges levied in accordance with the Rules and Regulations of TNERC and Electricity Act, 2003, the amount was revised and the demand was issued to the petitioner on 25.08.2005 in accordance with Regulation No.21 of the TNERC Supply Code. Hence, the petitioner earlier filed a Writ Petition in W.P.No.27899/2005 before this Court, in which, an order was passed on 31.08.2005 directing the petitioner to deposit an amount of Rs.5,00,000/- and as per the direction of this Court, the petitioner deposited an amount of Rs.5,00,000/- to the Distribution Licensee.

(e) The petitioner filed another Writ Petition before this Court praying for new agricultural service in his agricultural land and the distribution license was refused to grant new agricultural service, since there is an arrears in his industrial service, as supply code Regulation No.17 of the TNERC. Further, in W.P.No.24018 of 2015, this Court directed the petitioner to approach the forum for Consumer Grievance's Redressal regarding the arrears amount in his industrial service. As per this Court's directions, the petitioner filled the CGRF Petition No.007/2015 before the Consumer Grievance Redressal Forum of Tiruppur Electricity Distribution Circle, Tirupur on 17.12.2015. The said forum passed order on 19.02.2016 directing the petitioner to deposit the amount already levied by the respondent-Distribution licensee.

(f) The petitioner challenged the Tirupur Electricity Distribution Circle



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CGRF order and filed an Appeal Petition before the Tamil Nadu Electricity Ombudsman in Chennai and the Appeal No.39 of 2016 and the Tamil Nadu Electricity Ombudsman upheld the CGRF Order dated 22.09.2016 and the petitioner was directed to deposit the amount as Rs.17,59,358/- to the Distribution Licensee.

(g) The petitioner filed another Writ Petition before this Court challenging the Ombudsman order in W.P.No.39576 of 2016. This Court passed an order directing the petitioner to deposit amount of Rs.5,00,000/- to the respondent-TNEB as per the Court's directions, the petitioner deposited an amount of Rs.5,00,000/- on 23.12.2016.

(h) The Distribution Licensee granted time to the petitioner to deposit the excess demand charges utilised by the petitioner during the year 2004. The petitioner filed a petition before this Court as against the forum of consumer redressal as per the provisions of Electricity Act, 2003 and filed a petition before Appellate Forum of Ombudsman and all the above forums upheld the order of the Distribution Licensee Audit Slip No.01.06.2005. Hence, for the above reasons, the respondents pray to dismiss the Writ Petition.

4. During the pendency of the Writ Petition, the petitioner has filed an affidavit, dated 18.09.2025 stating as under:

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"1. I state that I am the petitioner herein as such I am well acquainted with the facts and circumstances of the case pleaded hereinafter, I have filed the writ petition to quash the impugned order of the 3rd respondent dated 22.09.2016 in appeal No.39 of 2016.

2. I state that the above writ petition came up for hearing today. The 1st respondent has filed a calculation of the payment made by me. In the calculation the 1st respondent stated that the total outstanding without BPSC is Rs.7,59,358/-. After hearing both side this Hon'ble Court directed me to file an affidavit with undertaking to pay the above said amount within a period of one month. Hence this affidavit.

3. I state that I declare and undertake to pay Rs.7,59,358/- to the second respondent in the respective account within a period of one month from the date the order of this Hon'ble Court."

5. In view of the filing of the above affidavit by the petitioner and as undertaken by the petitioner in the above affidavit, the impugned order is not interfered with. The petitioner is directed to pay the amount Rs.7,59,358/- (Rupees seven lakhs fifty nine thousand three hundred and fifty eight only) as undertaken by him, to the respondents, failing which, liberty is granted to the respondents to collect the said amount of Rs.7,59,358/- in the manner known to



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law.

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CS

To

1. The Executive Engineer/ O & M,
Tirupur, Tirupur Electricity Distribution Circle,
TANGEDCO (formerly TNEB)
E.D.Office Campus,
Kumaran Nagar, Avinashi Road,
Tirupur-641 603.
2. The Assistant Engineer,
Tirupur Electricity Distribution Circle,
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