



W.A.No.2892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.2892 of 2023

and

C.M.P.No.24049 of 2023

Mrs.K.Padmapriya,
W/o.S.Krishnakumar

... Appellant / Petitioner

Vs.

1.The Chief Finance Controller,
Tamil Nadu Electricity Generation and
Distribution Limited,
7th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

2.The Divisional Engineer,
Tamil Nadu Electricity Generation and
Distribution Limited (North),
Perambur,
No.75, Paper Mills Road,
Chennai – 600 118.

3.The Assistant Engineer,
Kodungaiyur O&M/CEDC,
Tamil Nadu Electricity Generation and
Distribution Limited (North),
Chennai – 600 011.

... Respondents / Respondents



W.A.No.2892 of 2023

Prayer: Appeal under Clause 15 of the Letters Patent, against the Order dated 05.07.2023 passed in W.P.No.18885 of 2020.

For Appellant : Mr.B.K.Girish Neelakantan

For Respondents : Ms.Sindhuza H.S
for Mr.L.Jaivenkatesh
Standing Counsel

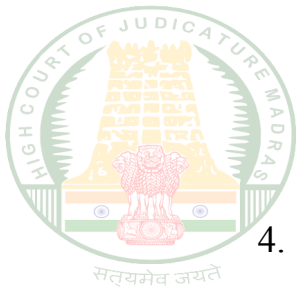
JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

We have heard the learned counsel for the appellant and the learned Standing Counsel for the respondents. Learned Standing Counsel for the respondents would submit that the present Writ Appeal is without merits and the Order of the Writ Court does not merit any interference.

2. This Intra-Court Appeal is directed against the Impugned Order dated 05.07.2023 in W.P.No.18885 of 2020.

3. By the Impugned Order dated 05.07.2023, Writ Petition filed by the Petitioner herein was dismissed on the ground that the issue was already covered by a proceeding of the 3rd Respondent dated 18.09.2019, which was challenged in W.P.No.2349 of 2020.



4. By the Impugned Order dated 05.07.2023, the Writ Court ordered as

WEB follows:-

“The writ petition is filed for directing the first respondent to consider the petitioner's claim for waiver of Belated Payment Surcharge Charges (BPSC).

2.The learned Standing Counsel appearing for the respondents submits that for non-payment of electricity charges, the petitioner's service connection was discontinued and for restoration of the service connection, he approached the respondents. According to the respondents, in terms of the rules, the petitioner has to pay Belated Payment Surcharge Charges (BPSC), which will be calculated at certain percentage on the defaulted bill amount.

3. The petitioner wants exemption from payment of BPSC, for which purpose, he has moved this Court in W.P.No.20781 of 2015. This Court vide its order dated 08.03.2016 directed the respondents to consider his representation for exempting him from paying BPSC. Subsequently, the respondents considered the same and rejected the petitioner's claim for exemption especially because there was no rule for exempting him from payment of said charges. This was communicated to the petitioner vide proceedings dated 18.09.2019. Thereafter, the petitioner has made another representation to the respondent for an identical purpose. It is to consider this representation, the petitioner has moved this Court with this writ petition.

4. Heard both sides. The issue is already covered by the proceedings of the respondent dated 18.09.2019, and that was not challenged. Instead the petitioner renews his request for exemption from paying BPSC yet again. He has not quoted under what provisions of the rules, he is eligible for exemption.



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5. In this circumstances, this Court does not consider that any further direction need to be given for the respondents to consider the said representation.

6. The writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.”

5. The above Writ Petition in W.P.No.18885 of 2020 was filed by the appellant/petitioner for a Mandamus, to direct the 1st Respondent to consider the claim for waiver of Belated Payment Surcharge Charges (BPSC) in the light of the order dated 06.01.2016 passed in M.P.No.15 of 2014 by the Tamil Nadu Electricity Regulatory Commission.

6. Earlier, W.P.No.2349 of 2020 filed by the petitioner was disposed by this Court vide Order dated 21.02.2020 with the following observations:-

“3. Having regard to the aforesaid submissions made, in the event of the Petitioner producing bank guarantee issued by any Nationalized Bank for a sum of Rs.4,06,461/- in favour of the Superintending Engineer, CEDC (North) by 15.04.2020, the Third Respondent shall consider the representation dated 13.01.2020 made by the Petitioner and after affording full opportunity of hearing to him, deal with each of the contentions raised by the Petitioner and pass reasoned orders on merits in accordance with law, and communicate the decision taken to the Petitioner under written acknowledgment by 30.04.2020. Depending upon its outcome, it would be open to the respective parties to work out their remedies



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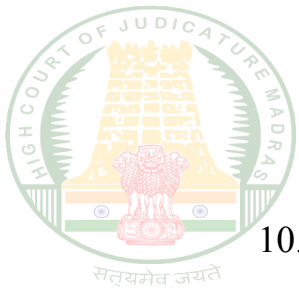
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for further action in accordance with law. It is needless to add here that till the aforesaid representation is disposed, the Respondents shall not disconnect electricity supply to the premises of the Petitioner. It is also made clear that if bank guarantee for the aforesaid amount is not furnished by the Petitioner within the stipulated time limit, the Respondent shall be entitled to proceed further in accordance with law and the Petitioner cannot claim benefit of this order.”

7. There, the appellant/petitioner challenged notice dated 18.09.2019 of the 3rd Respondent in the application filed for waiving of Belated Payment Surcharge Charges (BPSC) during disconnected period.

8. In our view, the Order passed by the Writ Court deserves no interference as the appellant/petitioner has an appellate remedy before the Appellate Authority under the Electricity Act, 2003. That apart, pursuant to order dated 08.03.2016 in W.P.No.20781 of 2015, an order dated 18.09.2019 was passed in response to the appellant/petitioner's claim for exemption. It was challenged in W.P.No.2349 of 2020 which was disposed on 21.02.2020.

9. Under these circumstances, the present Writ Appeal is liable to be dismissed. However, liberty is given to the appellant/petitioner to pursue an appellate remedy before the Appellate Authority.



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10. Needless to state, the appellant/petitioner shall be heard before final

orders are passed.

11. This Writ Appeal stands dismissed with the above liberty. No costs.

Connected Miscellaneous Petition is closed.

[S.M.S., J.]

[C.S.N., J.]

04.09.2025

Neutral Citation : Yes / No

arb

To:

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