



W.P.No.33591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33591 of 2024

and

WMP.No.36382 of 2024

Dr.S.Madhavan

... Petitioner

Vs.

1.The Chairman

The Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO)
5B Block, 144, Anna Salai
Chennai 600 002.

2.The Superintending Engineer

CEDC/West, Mahalingapuram
TNEB Office
No.26, Tank Bund Parallel Road
Pushpa Nagar, Nugambakkam
Chennai 600 034.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents to the first and second



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respondents to take the consumption charges as per the actual meter reading in accordance with law, in respect of the service connections in the Ground Floor and the First Floor, relating connection No.09-171-025-15 and 09-171-025-17 respectively, for the premises at No.29/15, Nachiappan Street, Mahalingapuram, Nungambakkam, Chennai 600 034, separately.

For Petitioner : Mr.B.Divakaran

For Respondents : Mr.L.Jaivenkatesh for R1 & R2
Standing Counsel (TNEB)

ORDER

This Writ Petition is filed with the prayer directing the respondents 1 & 2 to take the consumption charges as per the actual meter reading in accordance with law, in respect of the service connections in the ground floor and first floor relating to connection Nos.09-171-025-15 and 09-171-025-17 respectively for the premises at No.29/15, Nachiappan Street, Mahalingapuram, Nungambakkam, Chennai-600 034.



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2. The case of the respondent-Electricity Board as per the counter affidavit is that now both the ground floor and first floor is occupied by the same family members and as such the disputed service connection numbers during inspection on 09.06.2024 it was found that the ground and first floor portions were found to be occupied by the petitioner's family. Therefore, in accordance with the Tariff Order the above said two service connections were merged by the respondent Board on 12.06.2024 and the notice was forwarded to the petitioner/consumer via mobile message on 12.06.2024.

3. The case of the learned counsel for the petitioner is that the petitioner's son is living separately. He is not attached with his family. Therefore, the Authorities erred in merging the said two connections. The Authority, ought to have given opportunity to the petitioner so that he would have demonstrated before them that they are separate families.

4. I have considered the said submissions.



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5. It can be seen that as per the Tamil Nadu Electricity Distribution Code 27 (13), in case of same family members, separate family cards may be insisted and also rental/lease agreement. Therefore, if the petitioner wanted to plead that his son's family is a separate family, separate ration card may be produced. Unless the documentary proof such as separate family card, lease/rental agreement, gas connection etc., were produced, the same cannot be treated as a separate family.

6. It would be very easy for everyone to plead that their own family members including the son or wife or grandchild to be a separate family can claim separate Tariff. That will defeat the very purpose of the Tariff Order. Therefore, the onus is on the petitioner to have proved that it was a separate family, when the entire premises is occupied only by his family members, his wife, his son and daughter-in-law. Therefore, when the petitioner has failed to do the same, on the mere empty formality of grant of opportunity this Court cannot remand the matter once again. The principles of natural justice are not a straight jacket formula. TANGEDCO is in loss of crores and crores of rupees and if individual consumers, indulge in this kind



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of ingenuity and not pay the actual Tariff, then TANGEDCO itself cannot survive. Liberty is given to the petitioner to produce such proof and plead before the respondent Authorities, as and when the representation is made in this regard with supporting documents and the respondents can consider the same in accordance with law. With such liberty this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.02.2025

Neutral Citation : No
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To

- 1.The Chairman
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