



W.P.(MD).No.26732 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26732 of 2024

and

W.M.P.(MD)No.22667 of 2024

M/s.Century Offset Works,
represented by its proprietor R.Ramesh Babu,
No.58, Pallpatti Road,
Thiruthangal,
Virudhunagar District.

... Petitioner

Vs.

1. The Superintending Engineer,
TANGECO,
Virudhunagar District.

2. The Executive Engineer,
TANGECO,
Sivakasi,
Virudhunagar District.

3. The Assistant Executive Engineer (Rural),
TANGECO,
Sivakasi,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned assessment order passed by the 3rd respondent vide Lr. No. AEE/D/Thiruthangal/VRD/F-DOC/ D.No. 348/2024 dated 18.10.2024 and quash the same as illegal and devoid of merits and direct the 3rd respondent re-do the assessment after providing and reasonable opportunities to the petitioner and after providing the requested relevant documents based the representation of the petitioner dated 13.10.2024.

For Petitioner : Mr. Raja Karthikeyan

For Respondents : Mr.S.Deenadhayalan

ORDER

This Writ Petition is filed seeking to call for the impugned assessment order passed by the third respondent, vide, Lr. No. AEE/D/Thiruthangal/VRD/F-DOC/ D.No. 348/2024 dated 18.10.2024 and quash the same and further, direct the third respondent to re-do the



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assessment after providing reasonable opportunity to the petitioner by considering the petitioner's representation dated 13.10.2024.

2. The petitioner is running the offset printing press with fully modernized and computerized technology and the said printing press was established as early as in the year 1982. The press is situated in Survey No.1750/B2, Thiruthangal village, Sivakasi Taluk, and the venue is fully compounded. The said offset printing press has five electricity service connections, among which four service connections are LT service connections and the same were obtained step by step from the year 1982 to 2000. The fifth connection is a LTCT service connection availed during the year 2012. Previously, the petitioner obtained service connections based on the requirement of kilowatts of power supply and horsepower of the motor connected with the printing machinery. Subsequently, due to continuous modernization of the printing press from the year 1982, the said press was upgraded with incorporating printing processing machinery, for which new machinery were installed and the same required more kilowatt power based on the



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horsepower of the motors. Accordingly, the petitioner applied for a new service based on the required kilowatts to operate the new machine, in a step by step manner. After 2010, with the advancement of technology, if the total consumption of loads is between 26 kilowatt and 99 kilowatt, the energy meter which should be utilized for measuring the same, namely, Low Tension Current Transformer (LTCT) was reduced. The said LTCT transformer would suffice to operate the entire machineries of the petitioner's printing press. The previous procedure for obtaining service connection based on kilowatt/horsepower was stopped after the introduction of LTCT service connections. Even after the introduction of a highly elevated powerful LTCT, the petitioner continued to utilize the old type of LT service connection without any disturbance from the respondent Electricity Board. The petitioner's printing press was regularly inspected twice in a year and so far, none of the inspecting officials have pointed out about the necessity of using LTCT service connection and that the usage of four LT service connections are unwarranted.

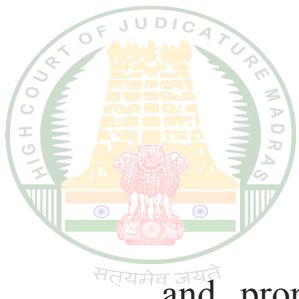


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3. However, the petitioner had availed LTCT service connection during the year 2012, for the new machineries purchased by the petitioner printing press. Even then, the third respondent Corporation did not advise to surrender all the other four LT service connection and to use the single LTCT service connection for all the machineries. As such, the petitioner has been operating the printing press by utilizing all the four LT service connection and one LTCT service connection till the date of impugned order. On 27.09.2024, the respondents 2 and 3 inspected the petitioner's printing press and pointed out that there is no separation between four LT service connections and also one machinery is used in another service connection and hence, they informed that the petitioner petitioner had used the electricity service connection in an unauthorized manner and the same is against Section 126 of the Electricity Act 2003.

4. Pursuant to the same, a show cause notice was issued by the third respondent based on the Joint Inspection report of the inspection team. The show cause notice indicated unauthorized use of electricity



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and proposed to levy a fine of Rs.8,84,946/-. The petitioner on 16.10.2024, had given his objection to the show cause notice dated 10.10.2024. The third respondent on receipt of the petitioner objection had passed impugned order dated 18.10.2024. Challenging the same, this Writ Petition is filed.

5. Mr. Raja Karthikeyan, the learned Counsel appearing for the petitioner categorically submitted that the impugned order is a non-speaking order. Despite the petitioner's detailed objection dated 16.10.2024 for the show cause notice dated 10.10.2024, the respondents have not gone into the merits of the objection and have passed the impugned order, which is nothing but a non-speaking order. The respondent Corporation had never enlightened the petitioner at any point of time that the petitioner on availing a LTCT service connection from the year 2012, ought not to have used the already availed four LT service connections during the period from 1982 to 2000 at any point of time, despite several inspections conducted by the respondent authorities twice in a year, even before the issuance of the impugned

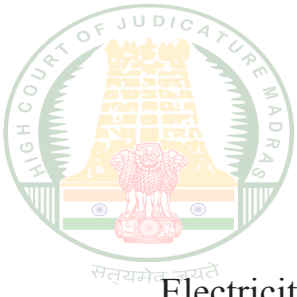


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order. However, all of a sudden after the inspection conducted on 27.09.2024, the impugned order came to be issued, claiming that the petitioner has unauthorizedly used the electricity and has proposed to levy fine of Rs.8,84,946/- which is highly unwarranted and on that basis, pressed for setting aside the impugned order and remanding the same back to the respondents for re-consideration.

6. The learned Standing Counsel appearing for the respondent Corporation on the basis of the counter affidavit filed by the respondents submitted that the petitioner had obtained many separate industrial LT service connections in different name for different premises with physical and electrical segregation from the Tamil Nadu Electricity Board. However, at the time of inspection, it was noticed that all the above existing LT industrial service supplies were unauthorizedly extended by the petitioner from one industrial premise area to other industrial premise area without any segregation to avoid LTCT service. Such extension has been provided by the petitioner without approaching the jurisdictional office of the Tamil Nadu



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Electricity Board for the purpose of getting the said supply extended from one premise area to other premise area and the said exercise has been done without segregation which is against the extant Rules and Regulations. On that basis, the learned Standing Counsel submitted that the impugned order can never be stated as a non-speaking order and the same is an elaborate order, which came to be passed only after considering the petitioner's objection in detail and after giving him an opportunity in terms of Section 126 of the Tamil Nadu Electricity Act, 2003 and on that basis, pressed for dismissal of the Writ Petition.

7. Heard the learned Counsel on either side and carefully Perused the materials available on record.

8. Even according to the petitioner's own affidavit, for the purpose of the petitioner's printing press, 4 LT service connections were availed, one after the other, in a step by step manner from the year 1982 to 2000. It is also admitted that a fifth connection was obtained in the LTCT mode and the said LTCT service connection is availed by the



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petitioner from the year 2012, for the purpose of the printing press.

However, the claim of the petitioner is that they had never been intimated or advised by the respondent Electricity Board to use only the LTCT service connection and to abandon the already existing LT service connections and that only on the date of the last inspection on 27.09.2024, even without giving any such indication in this regard, a show cause notice dated 10.10.2024 was issued vide letter No. AEE/D/Thiruthangal/VRD/F-DOC/ D.No. 336/2024, sounds ridiculous. The petitioner's claim is that they have availed the electricity connections, a low tension electricity connections even before the implementation of the Electricity Act, 2003. However, the Electricity Act came to be implemented only with effect from 26.05.2003. Under such circumstances, the petitioner has been running the said printing press, only in terms of the connections availed before the introduction/implementation of the Electricity Act, 2003 and at any point of time, it was not brought to the knowledge of the petitioner that post Electricity Act 2003, it is only the LTCT service connection should have been used for the purpose of printing press run by the petitioner



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and on that basis, the petitioner sought for the interference of this Court.

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9. I am of the considered view that the petitioner had obtained a fifth connection as LTCT service connection in the year 2012, for which the connection would have been sanctioned by the respondent authorities, only on submission of proper industrial plan, machinery design and the other details in the appropriate proforma. Only after proper submission of the same and after appropriate inspection by the competing authorities, the petitioner would have been given with the fifth LTCT service connection in the year 2012. That itself would suffice to indicate that the petitioner should make use of LTCT service connection alone post 2012 for the purpose of running his printing press. The decision not to surrender the LT service connections availed earlier before 2012 is exclusively left to the petitioner. But the decision, not to use the newly availed facility of LTCT service connection, but to continue the usage of the existing LT service connections would necessarily warrant interference from the electricity board in terms of the extant rules. Ignorance of law is no excuse and hence, the petitioner



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cannot claim ignorance. That apart assessment has been made by the respondents, in terms of Section 126 of the Electricity Act 2003 and the same has been properly served upon the petitioner, requiring him to file his objections in terms of Section 126(3) of the Electricity Act 2003. Only after the receipt of the petitioner's objection and not being satisfied with the same, the impugned final assessment order came to be issued. Even in terms of Electricity Act 2003, there is an appeal provision provided under Section 127, that for any aggrieved person, aggrieved by a final order made under Section 126, to prefer an appeal within a 30 days from the date of the final assessment order.

10. In view of the same, giving liberty to the petitioner to avail the appeal provided under Section 127 of the Electricity Act 2003, this Court hereby, direct the petitioner to raise all his objections in the said appeal. However, it is indicated that the delay in filing the said appeal shall be condoned by considering the time taken by the petitioner to file this petition before this Court.



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11. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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L.VICTORIA GOWRI, J.

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