



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 48697 of 2025

and

WMP No.54386 of 2025

Shivangi Flowers Pvt Ltd,
Rep. By its Property Manager,
Mr. Sreenivasulu Taduru,
No.1, 2, And 3rd Floor,
Saroj Square Building,
Airport Varthu Road,
Munekolalu Village, Marathalli,
Bangalore-560 037

Petitioner(s)

Vs

1. The Chairman Cum Managing Director,
Tamil Nadu Power Distribution Corporation Limited,
6th Floor, TANTRANSCO New Building,
No.144, Anna Salai, Chennai-600 002

2.The Chief Engineer,
Office Of Ce-TNPDCL,
Vellore -632006

3.The Superintending Engineer,
Office Of SE -TNPDCL,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

4.The Executive Engineer,
Office Of EE -TNPDCL.,
No.64 C, P/14, Opposite ESI Hospital,
Bangalore Road, Industrial Complex,
Hosur, Krishnagiri District 635 126.



5.The Assistant Executive Engineer (O & M)
Office Of AEE -TNPDCI,
SIPCOT-I, Hosur,
Krishnagiri District -635 126

6.Assistant Engineer (O & M)
Office Of AE -TNPDCI,
Elcot, Hosur,
Krishnagiri District -635 126

Respondent(s)

PRAYER

This writ petition filed under article 226 of the Constitution of India to issue a writ of certiorari mandamus calling for the records relating to the final assessment order for alleged unauthorized use of electricity passed by the 5th Respondent in Ka/No/Oo/se/po/Sipcot/Hosur, D.No.430, dated 03.10.2025, quash the same along with the consequential calculation sheet and consequently direct the respondent to undertake a fresh assessment strictly in accordance with section 126 of the Electricity Act 2003, after affording due opportunity of hearing.

For Petitioner Mr. M. Selvin

For Respondent: Mr. S.Madhusudhanan,
 Standing Counsel ,
 for R1 to R6

ORDER

Challenging the order of rejection passed by the 5th respondent, the present writ petition has been filed.



2. It is the contention of the petitioner that the assessment made under Section 126 of the Electricity Act 2003 for the alleged unauthorised usage of the electricity is unsustainable, as the usage occurred only due to breakdown of the diesel generator, and there was no intention on his part to divert or misuse the electricity.

3. However, the impugned order assessing a liability of Rs.3,84,860/- under Section 126(5) and (6) of the Electricity Act, was passed. As against the said order, the petitioner has also filed an appeal under Section 127 of the Electricity Act, which was also rejected by the 5th respondent. Hence, the present writ petition has been filed.

4. The learned Standing Counsel appearing for the respondents would submit that the appellate authority for the matters under Section 126 is only the Ombudsman, in terms of the Tamil Nadu Electricity Regulatory Commission regulations.

5. I have considered the matter in the light of the submissions made on both sides and perused the materials placed on records.



6. Regulation 8 of Tamil Nadu Electricity Regulatory Commission clearly stipulates that an appeal shall be filed before the Ombudsman within 30 days. Hence, an alternate remedy is very much available to the petitioner. The petitioner, to avoid that deposit, has filed the writ petition as the appeal provisions directly require payment and therefore, this writ petition is not maintainable.

7. The petitioner is granted liberty to file an appeal before the Electricity Ombudsman within 30 days. Since the petitioner was bonafide pursuing the writ petition, if the appeal is presented within 30 days from today, the same shall be entertained by the Ombudsman and decide on its own merits and in accordance with law.

8. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15-12-2025

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes

mrp



To

1. The Chairman Cum Managing Director
Tamil Nadu Power Distribution Corporation
Limited, 6th Floor,
TANTRANSCO New Building,
No.144, Anna Salai, Chennai-600 002

2. The Chief Engineer,
Office Of Ce-tnpdcl,
Vellore -632006

3. The Superintending Engineer
Office Of Se -tnpdcl, Krishnagiri Electricity
Distribution Circle, Krishnagiri.

4. The Executive Engineer
Office Of Ee -tnpdcl, No.64c, P/14, Opposite
Esi Hospital, Bangalore Road, Industrial
Complex, Hosur.

5. The Assistant Executive Engineer (O & M)
Office of Aee -tnpdcl, Sipcot -i, Hosur,
Krishnagiri District -635126

6. Assistant Engineer (O & M)
Office Of Ae -tnpdcl, Elcot,
Hosur, Krishnagiri District -635126

7. The Public Prosecutor,
High Court of Madras, Chennai.



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N.SATHISH KUMAR J.

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