

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 29.11.2018

CORAM:  
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.31448 of 2018  
WMP.No.36643 of 2018

Mahendra Kumar  
Petitioner

..

Vs

1.The Superintending Engineer, Chennai EDC/Central  
Tamil Nadu Generation and Distribution Corporation Limited  
Valluvarkottam, Chennai

2.The Assistant Engineer, O&M, Chennai EDC/Central  
TANGEDCO, Sowcarpet West, Chennai-79  
Respondents

..

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records of the 2nd Respondent in his proceedings in his Letter No.Ka.No.Vu.Po/E & Pa/Sow/ Va May/Ko.NE/ A.No.699/18, dated 02.04.2018 and to quash the same as illegal.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.P.R.Dhilip Kumar, Standing  
Counsel

ORDER

The prayer in this Writ Petition is to quash the proceedings of the 2nd Respondent, vide Letter No.Ka.No.Vu.Po/E & Pa/Sow/ Va May/Ko.NE/ A.No.699/18, dated 02.04.2018, in and by which, a sum of Rs.97,328/- was demanded towards audit shortfall.

2. By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.P.R.Dhilip Kumar, the learned standing counsel takes notice for the Respondents.

3. This Court heard the learned counsel on either side and also perused the materials placed on record.

4. According to the learned counsel for the Petitioner, the impugned demand of the 2nd Respondent is illegal

and the same is barred by limitation. The Petitioner had made an objection, dated 16.04.2012 and on the basis of the said objection, the Respondent was called upon to pay Rs.1600/- and accordingly, the Petitioner paid the said amount. While so, electricity connection was disconnected on 4.10.2013 and thereafter, the impugned order came to be issued, demanding a sum of Rs.95,728/- based on old audit objection for the period from 10/2010 to 03/2011, for which, an objection, dated 09.07.2019 was sent. Since the 2nd Respondent is still insisting to pay the amount, this Writ Petition has been filed, seeking the relief as stated above.

5. The learned Standing Counsel for the Respondents would submit that the notice was already issued to the Petitioner and in response to the audit objection, the Petitioner had sent a representation dated 16.04.2012, requesting the concerned authorities to solve this problem and therefore, the contentions of the learned counsel for the Petitioner are not correct. He would further submit that the Petitioner should have approached the Appellate Authority, namely, the 1st Respondent, to seek his remedy and without exhausting such an alternative remedy of moving the appropriate Appellate Authority, this Writ Petition has been filed and hence, this Writ Petition is liable to be dismissed.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is of the considered view that if the Petitioner is aggrieved by the impugned demand, it is open to him to approach the Appellate Authority concerned under Regulation 21(2) of the Tamil Nadu Electricity Supply Code. Therefore, as there is an efficacious and alternative remedy of filing an appeal available to the Petitioner, the prayer sought for in Writ Petition under the Article 226 of the Constitution of India cannot be entertained. However, the Petitioner is at liberty to raise all the grounds, which are raised in this Writ Petition, before the appropriate Appellate Authority. The Registry is directed to return the original impugned order to the learned counsel for the Petitioner.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Superintending Engineer, Chennai EDC/Central  
Tamil Nadu Generation and Distribution Corporation Limited  
Valluvarkottam, Chennai

2.The Assistant Engineer, O&M, Chennai EDC/Central  
TANGEDCO, Sowcarpet West, Chennai-79

3.The Section Officer/ Record Clerk,  
ER Section, High Court,  
Madras.

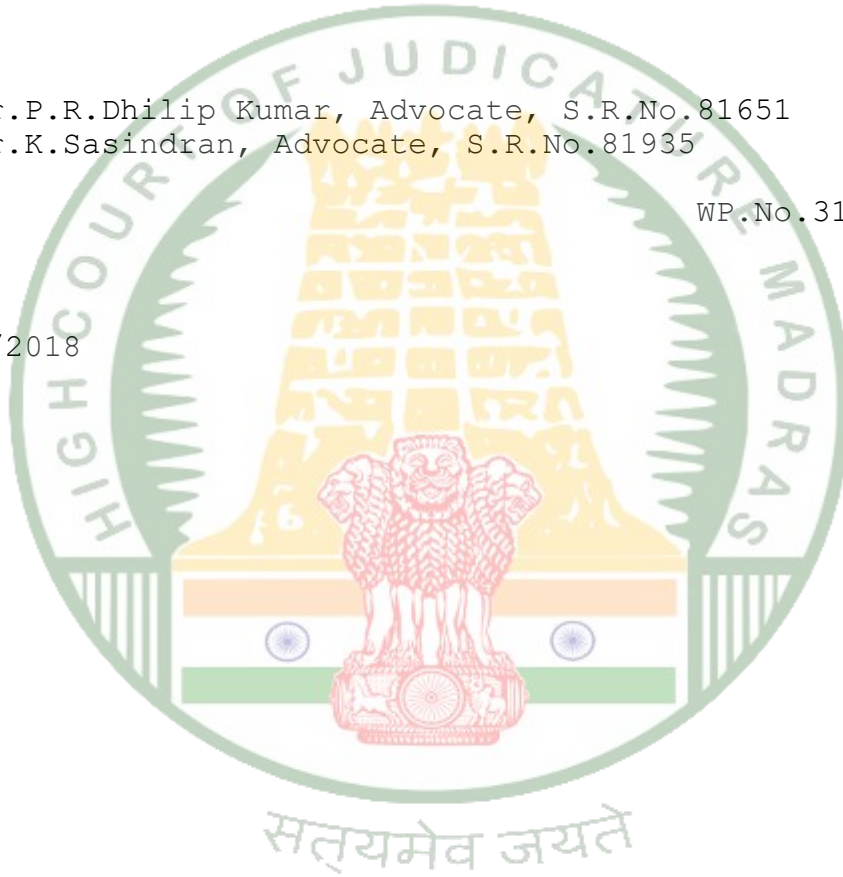
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.81651

+1cc to Mr.K.Sasindran, Advocate, S.R.No.81935

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SSV(CO)

rrs 28/12/2018



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