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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.10703 OF 2015

AND

M.P.NOS.1 & 3 OF 2015

M/s.Sri Ganesh Plastic
Rep.by Proprietor G.Kannan
C/o.Vijaya Gopal Bhavani
9, Hyder Garden 1st Street,
Chennai - 600 012.

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
2. Assistant Executive Engineer (O &M)
Tamil Nadu Electricity Board,
45, Malayappan Street,
Chennai - 600 012.
3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Cooks Road,
Otteri, Chennai - 600 012.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent relating to Assessment Entry dated 31.3.2015 to pay a sum of Rs.3,89,383.00 as per the Monthly Collection Details of the 3rd respondent Electricity Board in respect of the petitioner's Service Connection No.145:056:50 and the Demand to pay Rs.3,89,383/- as per the dues to be paid on 30.3.2015 at No.9, Hyder Garden 1st Street, Chennai-600 012.



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For Petitioner : Mr.D.Nallaiappan
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel
For TANGEDCO
[For R1 to R3]

O R D E R

The assessment entry dated 31.03.2015, asking the petitioner to pay the electricity consumption charges of Rs.3,89,383/- is under challenge in the present writ petition.

2. The order impugned reveals that entries were made in the metre card regarding the consumption of electricity by the petitioner and accordingly, the account summary was issued, asking the petitioner to pay the consumption charges.

3. The demand notice has been issued based on the metre reading and as per the calculations to be made with reference to the rules and regulations in force. The demand notice ordinarily contain the details regarding the decision or proposal taken by the competent authorities in accordance with the procedures and the addressee of the demand notice is expected to comply with the demand or file an appeal or otherwise before the competent authorities for the purpose of adjudication of issues. Contrarily, a writ proceedings need not be entertained as such disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

4. Adjudication of such issues require examination of documents in original and evidences. Thus, the writ petitioner has to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code for the redressal of his grievances. When the Statutory Forums are created and functioning for the redressal of the grievances, then exhausting the same is of paramount importance. The factual findings of such Forums would be of greater assistance to the High Court for the purpose of exercise of power of judicial review in a writ proceedings. Contrarily, High Court cannot venture into an original adjudication of facts and circumstances with reference to the documents and evidences.

5. This being the principles to be followed, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for the purpose of adjudication of issues and to redress the grievances. In the event of filing any such appeal, the Forum shall consider the period during which the writ petition



was pending before the High Court for the purpose of condoning the delay, if any such application to condone the delay is filed and adjudicate the issues on merits and in accordance with law as expeditiously as possible.

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6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer (O &M)
Tamil Nadu Electricity Board,
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Chennai - 600 012.
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Tamil Nadu Electricity Board,
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+1cc to Mr.D.Nallaiappan, Advocate, S.R.No.65197

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.64951

W.P.No.10703 of 2015

SSV(CO)
RLP(23/12/2021)