



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14287 of 2013

M/s. Madras Hydraluic Hose (P) Ltd.
Represented by its Vice-president, M.Riazuddin
No.5, Harrington Road
Chennai-600 031.

... Petitioner

.Vs.

Tamil Nadu Electricity Board
Represented by its
Superintending Engineer
CEDC/North, TNEB,
791, Anna Salai, Chennai-600 002.

... Respondent

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in relation to the order in Ref.No.SE/CEOC/N/AAO/H5/A1/F.1484/ D5673/2013 dated 19.04.2013 and quash the same and direct the respondent herein to assess Additional Current Consumption Deposit in accordance with law before seeking for direction to deposit the money for Account NO. HT Sc. No.1484 of the petitioner and dispose the same accordingly.

For Petitioner : Mr.P.Subba Reddy

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel for [TANGEDCO]

O R D E R

The Demand Notice dated 19.04.2013 is under challenge in the present writ petition.

2. The petitioner-Organisation is a Private Limited Company, manufacturing industrial components and it is a Factory, which is situated at Gummidipoondi, Industrial estate, Gummidipoondi Taluk, Thiruvallur District.



3. The grievances of the writ petitioner is that the demand notice has been issued based on erroneous assessment of consumption charges and by way of erroneous calculation.

WEB COPY

4. The learned counsel for the petitioner drew the attention of this Court with reference to the details provided in the calculation sheet and the demand notice states that the amount due as on 15.05.2013 was Rs.13,34,951/-.

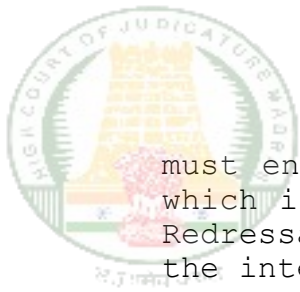
5. This Court is of the considered opinion that with reference to the disputed issues relating to consumption charges, an adjudication is imminent and more specifically, with reference to the documents and evidences available on record.

6. This Court cannot conduct such an elaborate adjudication in respect of the disputes raised in the present writ petition under Article 226 of the Constitution of India. Beyond this, Rule 18 of the Tamil Nadu Electricity Supply Code provides Consumer Grievance Redressal Forum for the purpose of redressing the grievances of this nature. Thus, the petitioner has to approach the Consumer Grievances Redressal Forum under clause 18 of the Tamil Nadu Electricity Supply Code. Thereafter, the petitioner has also got a remedy before the Electricity Ombudsman, constituted under the regulations for Consumer Grievances Redressal Forum and Electricity Ombudsman. This being the Statutory remedies available to the petitioner, entertaining the writ petition before adjudicating this by competent Forum became unnecessary.

7. This apart, the findings of the Forum constituted is of relevant as the power of judicial review can be effectively exercised, if any such findings are made available before this Court in a writ proceedings. This being the factum, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum for redressal of their grievances in the manner prescribed.

8. In the event of filing any such application by the writ petitioner, the said application shall be entertained by considering the period, during which, the writ petition is pending before this Court and if any petition for condoning the delay is filed, the delay may be condoned and accordingly, the issues are to be decided on merits and in accordance with law and as expeditiously as possible.

9. It is made clear that the authorities, who considered and passed the order of demand or otherwise, cannot be a member in the Consumer Grievance Redressal Forum for adjudication of the issues raised by the petitioner. Thus, the Electricity Board



must ensure that the officials, who passed the order of demand, which is questioned, cannot take part in the Consumer Grievances Redressal Forum as their participation would cause prejudice to the interest of the aggrieved persons.

WEB COPY

10. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

The Superintending Engineer,
Tamil Nadu Electricity Board,
CEDC/North, TNEB,
791, Anna Salai, Chennai-600 002.

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.60106

W.P.No.14287 of 2013

KG(CO)
PM/02/12/2021