



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.17323 of 2012

Plaza Maintenance & Services Limited
Having its registered office at
769, Spencer Plaza, Anna Salai,
Chennai-600 002
Represented by its General Manager
S.K.Rahamtulla

...Petitioner

Vs.

1. Tamilnadu Generation & Distribution Corporation
Limited (TANGEDCO) Rep. by its Chairman
And Managing Director
144, Anna Salai, Chennai - 600 002
2. The Chairman
The Tamilnadu Electricity Board
144, Anna Salai,
Chennai-600 002
3. The Superintending Engineer
Chennai Electricity Distribution Circle/Central
Tamilnadu Electricity Board
Chennai-600 034
4. The Chief Engineer/Commercial
Tamilnadu Generation & Distribution Corporation Limited
(TANGEDCO)
144, Anna Salai, Chennai - 600 002.
5. State Load Dispatch Centre
Represented by its Superintending Engineer
144, Anna Salai, Chennai - 600 002

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 3rd respondent relating to Bill No.2418 dated 31.05.2012, quashing the claims/demands for penalties/additional charges as sought for therein as illegal, arbitrary and without authority of law.



For Petitioner : Ms.Gayatri
for M/s.Preeti Mohan

For Respondents : Mr.L.Jai Venkatesh
TANGEDCO

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O R D E R

The Writ on hand is filed challenging the HT bill issued for the month of May 2012. The petitioner is a company maintaining facilities and premises of Spencer plaza, a shopping mall-cum-office complexes in the city of Chennai, Anna Salai.

2. The petitioner states that the HT bill issued is objectionable in view of certain assessment made which all are not in consonance with the provisions of the regulations.

3. A perusal of the May 2012, HT bill reveals that the Industrial consumption, Peak hour consumption, Night hour consumption, Belated payment of surcharge, etc., were considered in detail and accordingly the bill was issued for the month of May 2012.

4. The bill of demand was issued based on assessment made by the competent authority of the TANGEDCO. In the event of any dispute, an elaborate adjudication is required for the purpose of forming an opinion. Such an adjudication cannot be conducted in the writ proceedings under Article 226 of the Constitution of India in view of the fact that the documents and evidences are to be considered and appreciated. In the event of venturing into adjudication based on the bill of demand, no doubt there is a possibility of prejudice to either of the parties and thus adjudication becomes imminent.

5. On issuance of HT bill, the petitioner has chosen to file the present Writ Petition instead of approaching the appropriate forum for the redressal of grievances without exhausting the remedy contemplated under the Statue, Rules and Regulations.

6. The original facts and issues involved are to be adjudicated by the appellate authority as well as competent forums constituted for such adjudication and the findings of the appellate authority are of paramount importance for the purpose of consideration of the issues in Writ Petition.

7. Thus, the petitioner has to exhaust the remedy contemplated under Regulation 18 of the Tamil Nadu Electricity Supply Code.

8. In this view of the matter, the petitioner is at liberty



to approach the Consumer Grievance Redressal Forum or appellate authority for the purpose of redressal of their grievances. In the event of any such appeal being filed, the authorities shall take into consideration the period, during which the Writ Petition was pending before this Court for the purpose of condoning the delay, if any and decide the issues on merits and in accordance with law as expeditiously as possible.

9. With these directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman And Managing Director
Tamilnadu Generation & Distribution Corporation
Limited (TANGEDCO)
144, Anna Salai, Chennai - 600 002
2. The Chairman
The Tamilnadu Electricity Board
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3. The Superintending Engineer
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SSI (CO)
RGA(11/01/2022)