



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.8323 of 2018

and

W.M.P.Nos.10293 & 10294 of 2018

Dalmia Cement (Bharat) Limited,
Rep.by its Assistant Executive Director -(Legal)
Mr.TA.Srinivasen,
Dalmiapuram, Trichy - 621 651. ...Petitioner

..Vs..

- 1.Tamil Nadu Electricity Generation
and Distribution Company (TANGEDCO),
Rep.by its Chairman and Managing Director,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
Trichy Electricity District Circle (Metro)
Mannarpuram Trichy - 620 020.
- 3.Tamil Nadu Electricity Regulatory Commission,
Rep.by its Secretary,
No.19-A, Rukmini Lakshmipathy Salai,
Marshalls Road,
Egmore, Chennai - 600 008.
- 4.Deputy Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited,
Trichy (Metro) Circle,
Mannarpuram Trichy - 620 020. ...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent comprised in demand notice bearing Lr.No.SE/TEDC/M/TY/DFC/AO/REV/AAO/HT/AS/F. HT Sc.No.153/D.No.130/2018 dated 31.03.2018 and the consequent Current Consumption Bill for the month of March, 2018 issued by the 4th respondent herein and quash the same as being arbitrary, illegal, violative of the principles of natural justice besides being violative of the provisions of the Electricity Act, 2003.



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For Petitioner : Ms.Tanushree Arvind
for Rahul Balaji

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

This writ petition has been filed praying to issue a Writ of Certiorari, to call for the records of the 2nd respondent pertaining to the demand notice dated 31.03.2018 and the consequent Current Consumption Bill for the month of March, 2018 issued by the 4th respondent herein and quash the same as being arbitrary, illegal, violative of the principles of natural justice besides being violative of the provisions of the Electricity Act, 2003.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents, would submit that an alternative remedy is available before the Appellate Tribunal for Electricity (APTEL), New Delhi and the petitioner would like to approach the Appellate Tribunal. While so, the petitioner approached this Court for the purpose of getting interim relief. Now it is submitted by the learned counsel for the petitioner that the matter may be transferred to the APTEL. The learned counsel also cited reference, wherein, this Court passed orders transferring the cases to APTEL.

3. This Court, while passing the orders, thereby, transferring the case to APTEL, most probably would have thought that there are only 1 or 2 matters pending and the same can be ordered to be transferred. But it appears that there are number of matters of this nature, which are pending, and transferring all the matters will cause inconvenience to the Tribunal as well as this Court, as the format and the procedure for filing the appeal before the Tribunal is entirely different from filing of the writ petition before the High Court, and if number of matters are ordered to be transferred, the Tribunal has to call for required additional documents in terms of the prescribed format and as per the relevant Rules and Regulations. This process will certainly cause inconvenience and consume much time and would also slow down the working system of the Tribunal. Furthermore, at the time of filing the Writ Petition, it is not the case of the petitioner that the APTEL was not functioning, but it was. Therefore, this Court is of the view that it would be appropriate to direct the petitioner to approach the Tribunal by filing an appeal within a prescribed time.

4. Accordingly, this Writ Petition is disposed of, granting



liberty to the petitioner to approach the APTEL by way of filing an appeal within a period of twelve weeks from the date of receipt of a copy of this order. As and when, such an Appeal is filed, the same shall be entertained by the Tribunal without rejecting it on the ground of limitation.

5. Since it is brought to the knowledge of this Court that the Court has passed an order of status quo, dated 10.04.2018, and the same is in force as on date, it is made clear that, till the petitioner files the Appeal within the time, as stipulated by this Court and obtains an interim order therein, the interim order of status quo granted by this Court in this Writ Petition shall stand continued and no coercive action shall be taken against the petitioner, pursuant to the impugned order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Chairman and Managing Director,
Tamil Nadu Electricity Generation
and Distribution Company (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Trichy Electricity District Circle (Metro)
Mannarpuram Trichy - 620 020.
3. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmipathy Salai,
Marshalls Road, Egmore, Chennai - 600 008.
4. Deputy Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited,
Trichy (Metro) Circle,
Mannarpuram Trichy - 620 020.

+1cc to Mr.R. Parthasarathy, Advocate, S.R.No.59842

W.P.No.8323 of 2018 and
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KV(CO)
CT 07/12/2021