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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.20411 AND 20412 OF 2015

AND

M.P.NOS.1 AND 1 OF 2015

M/s.Sri Krishna Alloys,
H.T.Sc.No.110,
262/1B-3, Manjakkalpatty Village,
Akkammampet post,
Sankari - 637 301,
Salem District,
Rep. By its Manager,
Mr.Karthikeyan

... Petitioner in
W.P.No.20411 of 2015

M/s.Sri Vigneswara Steels (P) Ltd.,
H.T.Sc.No.049094220135,
S.F.No.110/1A-1, Mavelipalayam Privu Road,
Akkammampet, Sankari P.O., 637 301,
Salem District,
Represented by its Manager,
Mr.K.Senthilkumar

... Petitioner in
W.P.No.20412 of 2015

.Vs.

1. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. By its Chairman and Managing Director,
144, Anna Salai,
Chennai - 600 002.

2. The Accounts Officer,
The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO, Mettur Dam - 636 401.

... Respondents in
both W.P's

PRAYER in W.P.No.20411 of 2015:-

Writ Petition filed Under Article 226 of the Constitution of
India, to issue a Writ of Certiorari, calling for the records



pertaining to the Bill No.049094220110 dated 30.06.2015 issued by the 2nd respondent demanding Extra Levy in Item No.12(a) towards Extra Levy for exceeding the Quota consumption and quash the same as illegal, arbitrary and untenable under law.

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PRAYER in W.P.No.20412 of 2015:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the Bill No. 049094220135 dated 30.06.2015 issued by the 2nd respondent demanding Extra Levy in Item No.12(a) towards Extra Levy for exceeding the Quota consumption and quash the same as illegal, arbitrary and untenable under law.

For Petitioner : Mr.S.P.Parthasarathy
[In both WPs] For Mr.K.Seshadri

For Respondent : Mr.L.Jaivenkatesh
[In both Wps] For TANGEDCO

COMMON ORDER

The relief sought for in the present writ petitions is to quash the orders dated 30.06.2015 issued by the 2nd respondent, demanding Extra Levy in Item No.12(a) towards Extra Levy for exceeding the Quota consumption.

2. The learned counsel for the petitioners raised several grounds, stating that the change in tariff imposed is improper and not in consonance with the Regulations.

3. However, the facts remains that the petitioners are Industries and usage of electricity in several forms are available. Thus, the disputed facts in this regard require an adjudication based on the documents and evidences. Such an elaborate adjudication cannot be undertaken by the Writ Court and therefore, the writ petitioners are bound to exhaust the alternate remedy provided under the Regulations. Further, the orders under challenge are the Demand Notices and the Demand Notices have been issued based on the assessment made by the authorities and by determining the charges to be made by following the procedures as contemplated under the Tamil Nadu Electricity Supply Code or under other Regulations. Whenever a demand notice is issued, the option available to the addressee is to respond and settle the amount or raise an objection by approaching the Appellate Authority or the competent Forum constituted for adjudication of all such issues.



4. This being the procedures to be followed, High Court will not be in a position to form an opinion with reference to such disputed issues. Accordingly, the writ petitioners are at liberty to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code and in the event of filing any such application, the Forum shall take into consideration the period during which the writ petitions were pending for the purpose of condoning the delay, if any such applications to condone the delay are filed and decide the issues on merits and in accordance with law and by affording opportunity to all the parties concerned.

5. With these observations, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. The Accounts Officer,
The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO,
Mettur Dam - 636 401.

+2ccs to Mr.K.Seshadri, Advocate, S.R.Nos.67117 & 67118

W.P.Nos.20411 and 20412 of 2015

PM(CO)
PBS/29/12/2021