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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27961 of 2011 and
M.P.Nos.1 & 2 of 2011

M/s.Bimetal Bearings Ltd.,
P.B.No.852, Huzur Gardens,
Sembium,
Chennai 600 011
Rep. by its Whole Time Director,
N.P.Mani

.. Petitioner

..Vs..

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai EDC North,
144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai EDC North,
144, Anna Salai,
Chennai 600 002.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent Board with respect to the impugned dated 30.07.2011 bearing reference LR.No.SE/CEDC/N/AAO/HT1175/A2/D1357/11 and the enclosed undertaking pertaining to HT A/c 1175 belonging to the Petitioner and quash the same in so far as it relates to the restriction that if the Petitioner avails any private power, it shall be treated as a CPP consumer and direct the Respondents to refix the demand and energy quota applicable to HT A/c 1175 belonging to the Petitioner by only applying the applicable power cut to the base demand of 1180 KVA and base energy of 444227 units as mentioned in the working instructions dated 01.11.2008.



For Petitioner : Mr.A.R.Ramanathan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for TANGEDCO

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O R D E R

The impugned demand notice dated 30.07.2011 is under challenge in the present writ petition.

2.The order impugned states that if the petitioner avails any other private power, both during normal hours and peak hours, the petitioner will be treated as CPP consumer and energy quota shall be applicable duly detecting the energy and demand supply during the grace period. The impugned demand relates to fixation of quota. The demand notices are issued based on the regulations and the terms and conditions. Thus, an adjudication is required for the purpose of resolving the issues. Such an elaborate adjudication cannot be undertaken by the High Court in a writ proceedings as it requires examination of documents in original and evidences.

3.No doubt, the petitioner raises certain grounds to establish that the demand notice is not in accordance with law. However, the facts and circumstances place a vital role for the purpose of taking a decision in this regard and an adjudication becomes imminent for the purpose of forming an opinion.

4.Further, the Tamil Nadu Electricity Supply Code provides a remedial system, viz., Consumer Grievance Redressal Forum under Regulation-18. Thereafter, the consumer may approach the electricity ombudsman if not satisfied with the orders, if any, passed by the forum.

5.When the statutory remedies are contemplated under the regulations, the said remedies are to be exhausted by the aggrieved persons before approaching the High Court by way of writ proceedings, exhausting the alternative remedy is of paramount importance and the findings of the forum and the ombudsman would be of greater assistance to the High Court for the purpose of exercise of the power of judicial review under Article 226 of the Constitution of India.

6.The petitioner is at liberty to approach the Consumer Grievance Redressal Forum under Regulation-18 of the Tamil Nadu Electricity Supply Code for the purpose of resolving the issues and to redress its grievances.



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

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vs

To

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PA (CO)
GMY (07/12/2021)