



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 24.11.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.28029 of 2011 and
M.P.No.2 of 2011

Sri Baalaji Enterprises,
Represented by its Proprietor,
G.Kannan
G-80, Anna Nagar,
Chennai 600 102.

.. Petitioner

..Vs..

1.Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai - 600 002.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai - 102.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in proceedings of the respondent Lr.No.EE/O&M/ANR/AAO/AB/F.AVG/D. No.679/2011, dated 22.09.2011 and the consequential proceedings in Ka No.2 Sama/Aa. Pa/Shenoy Nagar/Ko 311, dated 08.11.2011 and quash the same and further forbearing the respondent, their men, agents and subordinates from in anyway disconnecting the service connection No.163-007-544.

For Petitioner : Mr.V.Raghavachari

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

O R D E R

The demand notice dated 22.09.2011 is sought to be quashed in the present writ petition and to forbear the respondent from disconnecting the service connection.

2.The petitioner states that they are the tenant of property bearing Door No.G-80, 12th Street, Anna Nagar East, Chennai-102 on the first floor. The property belongs to one Mr.K.Balan and Mr.K.Manohar. The writ petition is filed questioning the demand notice issued by the respondents Electricity Board. The order impugned reveals that the average has not been levied for the defective period in accordance to TNERC Regulation. The details



of short levy is also furnished and the units, consumption, period and its details are furnished in the demand notice.

3.The learned counsel for the petitioner states that the respondent has no authority to issue such a notice. If at all the petitioner raises legal ground, it is to be considered along with the facts and circumstances and such an elaborate adjudication with regard to the disputed facts cannot be undertaken by this Court in the present writ proceedings.

4. The consumption of electricity by the petitioner, the meter reading and the endorsements made and also the regulations and terms and conditions of the electricity connection, all such merits are to be considered by the competent forum for the purpose of arriving at a decision. This being the factum.

5.Enquiry with reference to the documents and evidences are imminent and the High Court cannot quash the demand notices merely on the basis of one ground and even such a ground is an acceptable ground, the matter is to be remanded back. In the present case, the demand notice is issued based on certain facts and circumstances and therefore, an adjudication is to be done by the competent forum under the Tamil Nadu Electricity Supply Code.

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 his grievances.

7.With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Chairman,Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

2.The Executive Engineer,
Tamil Nadu Electricity Board,Anna Nagar, Chennai - 102.

+1 cc to Mr.V.Raghavachari, Advocate Sr.NO.60940

+1 cc to Mr.L.Jai Venkatesh, Advocate Sr.NO. 60913

W.P.No.28029 of 2011 and

M.P.No.2 of 2011

KSM(CO)

A.SK(06.12.2021)