



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.32589 of 2013

and

M.P.No.1 of 2013

M/s.Silver Cloud Estates (P) Ltd.,
Rep. by its Superintendent,
Silver Cloud Estates,
Gudalur-643 211.

.. Petitioner

..Vs..

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

2.The Superintending Engineer,
Nilgiris Electricity Distribution Circle,
Udhagamandalam.

3.The Assistant Executive Engineer,
TNEB, Gudalur-643 211
The Nilgiris.

.. 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 of the 2nd respondent connected with Lr.No.SE/NEDC/O/DFC/AS/HT/F/ Court case /D.385/13 dated 27.09.2013 and quash the same and to direct the 3rd respondent to hold an enquiry strictly in terms of the order dated 08.08.2008 of this Court in W.P.Nos.24748 and 24749 of 2002.

For Petitioner : Mr.A.U.Ilango

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

O R D E R

The order impugned was issued in connection to remission of demand charges. The petitioner company is engaged in manufacture



of Tea and oleoresin, which is an 100% export oriented unit. The petitioner company has installed a fully computerised factory with latest machineries and equipments.

2.A perusal of the affidavit would reveal that the petitioner company has entered into contract with the first respondent Electricity Board on 02.01.1996 for supply of electricity to its HT.SC.No.121 and S.C.No.104. Under clause-1 of the contract, the respondents shall supply and the petitioner shall take the electrical energy for a maximum demand not exceeding 250 KVA to its HT.SC.No.121 and S.C.No.104. Thus, it is a contractual obligation between the parties and terms and conditions are also stipulated.

3.Earlier the writ petitioner filed W.P.Nos.24748 and 24749 of 2002 and this Court passed an order on 08.08.2008 permitting the petitioner to submit a representation and directing the Board to consider the representation and take a decision on merits and in accordance with law. Pursuant to the directions issued, the order impugned is passed.

4.The learned counsel for the petitioner states that the respondents did not complied with the directions issued by this Court, thus, a suo motu contempt proceedings is to be initiated. This Court is of the considered opinion that suo motu contempt proceedings need not be taken in a routine manner and such suo motu proceedings are initiated by the High Courts only on exceptional circumstances, wherever the mitigating factors are established and not otherwise.

5.Admittedly, the petitioner has not filed any contempt proceedings even otherwise also this Court is of an opinion that the direction issued was to consider the representation and the respondents had considered the representation and passed an order, thus, the very request for contempt proceedings would not arise in the present case.

6.As far as the grievance of the writ petitioner is concerned, the disputes pertaining to the contractual obligation and therefore, the parties are bound to approach the competent Court of law or the Consumer Grievance Redressal Forum under the Tamil Nadu Electricity Supply Code for adjudication of disputed facts for the purpose of forming an opinion with reference to the liability or otherwise. Such an elaborate adjudication cannot be undertaken in a writ proceedings under Article 226 of the Constitution of India as the adjudication requires an examination of original documents and evidences and also the oral evidences, if required.

7.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.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vs

To

1. Tamil Nadu Electricity Board,
Rep. by its Chairman,
Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Nilgiris Electricity Distribution Circle,
Udhagamandalam.
3. The Assistant Executive Engineer,
TNEB, Gudalur-643 211
The Nilgiris.

+1cc to Mr.A.U.Ilango, Advocate, S.R.No.60844

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KV(CO)
CT 08/12/2021