



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-12-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.8524 of 2015

And

MP No.1 of 2015

Elfotech Electro Chemicals Ltd.,
Represented by its Director, Mr.Kanak Surana
R.S.No.84/2 and 84/3,
Opp. PIPDIC Industrial Estate,
Kurumampakkam, Bahour Commune,
Pondicherry - 607 402.

..Petitioner

vs.

1. Electricity Department,
Pondicherry Represented by its Financial
Controller, Government of Pondicherry,
Pondicherry - 1.

2. Tahsildar,
Taluk Office,
Bahour,
Government of Pondicherry,
Bahour, Pondicherry.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent in its order dated 14.01.2015 in Ref.No.22/ED/FC/ HT/U-II/2014-2015/543 and the second respondent in its order dated 13.03.2015 in Ref.No.1518/1/TOB/A/RR/2014 and quash the same.

For Petitioner : Ms.Niveda for
M/s.Aparajitha Vishwanath

For Respondents : Mr.J.Kumaran,
Additional Government Pleader
(Puducherry).

O R D E R

The order impugned dated 14.01.2015 passed by the first respondent and the order dated 13.03.2015 passed by the second respondent, are under challenge in the present writ petition.



2. The order impugned relates to recovery of arrears in respect of petitioner under the Revenue Recovery Act. The order impugned contains the details of break up of arrears pertaining to the Industry.

WEB COPY

3. The petitioner is a defaulter and settled part of dues and the balance is to be paid to the Electricity Board.

4. The learned counsel for the petitioner made a submission that the objections of the petitioner are not considered.

5. Perusal of the affidavit filed in support of the present writ petition reveals that the petitioner has raised the factual issues, which require an elaborate adjudication on merits and with reference to the documents and evidences. Such an exercise cannot be undertaken in the writ proceedings under Article 226 of the Constitution of India.

6. The Consumer Grievance Redressal Forum constituted under Section 42(5) of the Electricity Act, 2003 is competent to adjudicate all such issues in order to resolve the disputes between the parties. Thus, the petitioner-Company is at liberty to approach the Forum for the purpose of redressal of its grievances. In the event of filing any such application by the petitioner, questioning the order impugned the period during which the writ petition was pending before this Court is to be taken into consideration for the purpose of condoning the delay, if any condone delay petition is filed by the petitioner. The Forum shall adjudicate the issues on merits and in accordance with law as expeditiously as possible.

7. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Financial Controller,
Electricity Department,
Pondicherry, Government of Pondicherry,
Pondicherry - 1.



2. Tahsildar,
Taluk Office,
Bahour,
Government of Pondicherry,
Bahour,
Pondicherry.

+2cc to M/s.Aparajitha Vishwanath, Advocate, S.R.No.63927

+1cc to the Government Pleader for Puducherry, S.R.No.64186

WP 8524 of 2015

KG (CO)
RGA (14/12/2021)