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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.33970 of 2016

&

W.M.P.No.29315 of 2016

M/s. Rollatainers Ltd., rep.
By its Engineer Maintenance
D. Srinivasan,
S/o. G.Dhamodaran,
Plot No.84, SIPCOT (Phase-I),
Hosur - 635 109,
Krishnagiri District

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Generation and Distribution Corporation Ltd.
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 006.

2.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.
Krishnagiri Electricity Distribution Circle,
Krishnagiri - 635 2002
Krishnagiri.

3.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.
Tuticorin Electricity Distribution Circle,
Tuticorin.

4.M/s.Rajkumar Impex Pvt., Ltd.,
Rep. by its Managing Director,
New No.B-603, Keshav Dugar Apartment,
1, East Avenue,
Keshava Perumalpuram,
R.A.Puram,
Chennai - 600 028.

5.E.Saravanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Certiorari,
calling for the records pertaining to the impugned order made



in Lr.No.SE/KEDC/DFC/AAO/RCS-HT/F.HT SC No.247/D./16 dated 20.09.2016 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.N.Manokaran

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For Respondents 1 to 3 : Mr.L.Jai Venkatesh
Senior Counsel
For TANGEDCO

O R D E R

The Order of demand requesting the petitioner to pay the amount of Rs.32,59,073/-, in proceedings dated 20.09.2016 is sought to be quashed in the present Writ Petition. The petitioner is a company engaged in the process of manufacturing and supplying the crank shaft product to the Hero Honda bikes.

2. The petitioner company is provided with High Tension electricity supply in HT.SC.No.247 with the sanctioned demand of 2000 KVA to run the industry. The 2nd respondent issued a show cause notice regarding adjustment of energy units for the months of November 2015, December 2015 and January 2016 in respect of High Tension electricity supply in HT.SC.No.247. The petitioner has submitted their representation / explanation which was considered by the 2nd respondent and subsequently the demand was issued requesting the petitioner to pay the amount of Rs.32,59,073/-. The 2nd respondent has conducted an inquiry and issued the impugned order of demand.

3. However, an elaborate adjudication in respect of the issues are eminent for the purpose of arriving at conclusion under Regulation 18 of the Tamil Nadu Electricity Supply Code. The petitioner has to approach the Consumer Grievances Redressal Forum for the purpose of redressing their grievances. The said forum is competent to adjudicate the disputed issues with reference to the documents and evidences and accordingly considering the case of the petitioner.

4. Contrarily, such an elaborate adjudication cannot be entertained by the High Court in the Writ Petition under Article 226 of the Constitution of India. Even against the order passed by the Consumer Grievances Redressal Forum, the petitioner may approach the Electricity Ombudsman under the Regulations for Consumer and Electricity Ombudsman for effective adjudication. When such avenues are very much available under Electricity Supply Code and Regulations no Writ Petition needs to be entertained. The findings of such forums are important for the purpose of exercising of power of Judicial review under Article 226 of the Constitution of India.

5. Therefore, exhausting the remedies contemplated under Electricity Supply Code and Regulations is important for the



purpose of resolving the issues. Thus, the petitioner is at liberty to approach the redressal forum for the purpose of redressal of their grievances. In the event of any such application, the forum is bound to consider the period during which the Writ Petition was pending before this Court for the purpose of condoning the delay, if any such application is filed to condone the delay.

6. With these observations, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions is also closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

shr/kan

To

- 1.The Chairman,
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Krishnagiri - 635 2002
Krishnagiri.
- 3.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.
Tuticorin Electricity Distribution Circle,
Tuticorin.

+1cc to Mr.N.Manokaran, Advocate SR. No.58945

+1cc to Mr.L.Jai Venkatesh, Advocate SR. No.58967

W.P.No.33970 of 2016

PCH (CO)

PR (01/12/2021)