



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.41060 of 2016

And

WMP No.35057 of 2016

Mr.Govindasamy

.. Petitioner

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 2.

2.The Executive Engineer/Operation,
Tamil Nadu Transmission Corporation Ltd.,
(TRANTRASCO),
230 KV, Sub Station,
Nallurpaalayam,
Ganapathi Palayam,
Palladam,
Tiruppur District.

3.The Assistant Executive Engineer,
O&M/TEDC/TANGEDCO Ltd.,
Town/South/Tiruppur,
Kumaran Road,
Tiruppur.

.. 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 orders passed by the third respondent in Ka.No.Vu.Se.Po/City/South/Thiru/Va.Aa/Ko.Me.E.1465/V.No.460/2016 dated 24.06.2016 and consequential order dated 28.09.2016 in Ka.No.Se.Po/E/Palladam/Ko.MeyMu 05/A.No.171/16 passed by the second respondent and quash the same.

For Petitioner : Mr.K.Sasindran
For Respondents : No Appearance



O R D E R

The order of demand, asking the petitioner to pay penalty for the violations, is under challenge in the present writ petition.

2. The petitioner was running a Garments Company in the name and style of 'M/s.Aishwarya Textiles' at Tiruppur. The petitioner was granted two separate electricity service connections for two different Units.

3. The third respondent had conducted an inspection and informed the petitioner that the transport of stream from one Unit to another which have two different electricity service connections, is illegal as per Section 126(3) of the Indian Electricity Act, 2003. The provisional assessment order was passed on 24.05.2016, calling upon the petitioner to pay a sum of Rs.2,68,931/-.

4.The learned counsel for the petitioner made a submission that the provisions of the Electricity Act has been wrongly interpreted by the Authorities and therefore, the order of penalty is to be set aside. However, the issues involved adjudication of facts and circumstances, more specifically, with reference to the documents and evidences to be placed by the petitioner. Even the impugned order states that if at all the petitioner is aggrieved, he is at liberty to approach the Tamil Nadu Electricity Regulatory Commission for the purpose of redressal of his grievances. Instead of approaching the Statutory Authority under the provisions of the Statute, the petitioner has chosen to move the present writ petition.

5.The High Court cannot conduct an elaborate adjudication with reference to the disputed issues, more specifically, which is to be done based on the documents and evidences.

6.The learned counsel for the petitioner made a submission that the petitioner has violated. The impugned order states that for violation of the provisions of the Electricity Act, penalty is imposed. Thus, adjudication of issues became imminent and the same cannot be undertaken in the present writ proceedings.

7.Thus, the petitioner is at liberty to prefer an appeal before the Tamil Nadu Electricity Regulatory Commission by filing an application in the prescribed format by complying with the procedures. In the event of filing any such application, the



Tamil Nadu Electricity Regulatory Commission, after taking into account the period during which the writ petition is pending, for the purpose of condoning the appeal, if any and decide the matter on merits and in accordance with law.

WEB COPY

8. 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-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 2.
2. The Executive Engineer/Operation,
Tamil Nadu Transmission Corporation Ltd.,
(TRANTRASCO),
230 KV, Sub Station,
Nallurpaalayam,
Ganapathi Palayam,
Palladam,
Tiruppur District.
3. The Assistant Executive Engineer,
O&M/TEDC/TANGEDCO Ltd.,
Town/South/Tiruppur,
Kumaran Road,
Tiruppur.

+1cc to Mr.K.Sasindran, Advocate SR.No.59239

WP 41060 of 2016

GJ(CO)
GN(30/11/2021)