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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14091 of 2014

And

MP No.1 of 2014

M/s.Thiru Thaaniagai Spinning Mill (P) Ltd.,
Represented by its Authorised Signatory,
S.Mylsami, Registered Office:No.252/101,
Mariamman Koil Street,
Peelamedu Pudur,
Coimbatore - 641 004.

..Petitioner

vs.

1.The Tamil Nadu Generation and
Distribution Limited Represented by its,
Chairman and Managing Director,
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Ltd.,
Gobi Electricity Distribution Circle,
No.132, Kutcheri Street,
Gobi - 638 452,
Erode District.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records comprised in Lr.No.SE/GEDC/DFC/AS2/ F.ACCD2013-2014/D/2014 dated 06.05.2014, on the file of the second respondent, calling upon the petitioner to immediately make a deposit of Rs.22,63,971/- towards the additional current consumption deposit, quash the same and consequently direct the respondents to waive the current consumption deposit levied on the petitioner based on the representation of the petitioner dated 17.05.2014.



For Petitioner : Mr.R.Bharanidharan
For Respondent : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

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O R D E R

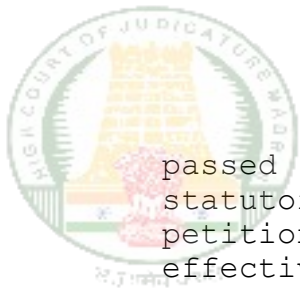
The demand notice dated 06.05.2014 issued by the second respondent, is under challenge in the present writ petition.

2. The petitioner is a Company manufacturing Yarn and provided with an electricity connection HT SC No.049094360049 with a sanctioned load of 1250 KVA at 11 KV from Shenbagapudur Sub Station. The dispute arose regarding the electricity consumption by the petitioner.

3. The learned counsel for the petitioner relied on the comparative assessment made by the Electricity Board Authorities in respect of the previous consumption as well as the meter reading recorded by the Assessors. Relying on the said meter reading, the learned counsel for the petitioner reiterated that the demand notice is no where near that consumption made by the petitioner and therefore, the prima facie due in notice is unsustainable.

4. This Court is of the considered opinion that based on certain comparative recording of meter reading consumption of electricity, the High Court cannot form an opinion with reference to the actual consumption or probable consumption or otherwise by the consumers. Such determination requires an adjudication of the issues, more specifically, when disputed between the parties. Mere comparison of earlier reading would not be the basis for arriving a conclusion. Even in some circumstances, the electric material default for many months and such defects are not noticed by the Electricity Board Authorities or not communicated by the consumers. These mitigating factors are to be considered by the Competent Authorities while adjudicating the issues based on the documents and evidences as well as the other records.

5. Contrarily in the writ proceedings, such a determination, if made, would cause prejudice to either of the parties. Thus, this Court is of the considered opinion that the petitioner has to approach the Consumer Grievance Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code for the purpose of redressal of their grievance. Even thereafter, the petitioner may approach the the Electricity Ombudsman if not satisfied with the orders to be



passed by the Consumer Grievance Redressal Forum, then the statutory remedies are contemplated under the Regulations, the petitioner has to exhaust the remedies for the purpose of effective adjudication of the disputed issues.

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6. The power of judicial review under Article 226 of the Constitution of India is to ensure that the processes contemplated under the Statutes and the Regulations are followed by the Competent Authorities, but not the decision itself. Thus, an elaborate adjudication cannot be done in the writ proceedings in respect of disputed issues.

7. This being the factum established, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum for the purpose of redressal of their grievances. The learned counsel for the petitioner made a submission that the conditional interim order granted by this Court had already been complied with by the petitioner and the said deposit is also to be considered by the Consumer Grievance Redressal Forum if any application is filed by the petitioner for adjudication.

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

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Limited,
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Ltd.,
Gobi Electricity Distribution Circle,
No.132, Kutchery Street, Gobi - 638 452, Erode District.

+1cc to M/s.R.Karthikeyan, Advocate SR. No.61167

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KSM (CO)
PR (03/12/2021)