



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.17906 and 17907 of 2014
and
M.P.Nos.1 and 1 of 2014

R.Sicily ...Petitioner in W.P.No.17906 of 2014

A.Vathana ...Petitioner in W.P.No.17907 of 2014

Vs

1. Tamil Nadu Electricity Generation and Distribution Co.,
Rep. By its Chairman,
144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer, (O&M),
Avadi,
Chennai Electricity Distribution Circle [West],
Tamil Nadu Electricity Generation and Distribution Co.,
Avadi, Chennai - 54. ... Respondents

PRAYER in W.P.No.17906 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, Calling for the records relating to the impugned the order in Ka.No.U.Mi.Po/ E.Pa/Tha.Na.Vee.Va.Vaa. Division/ Aavadi/ Kovaru/ A.No.88/ date 27.06.2014 demanding a sum of Rs.16,52,441/- (Rupees Sixteen Lakhs Fifty Two Thousand Four Hundred and Forty One only) towards the escaped assessment during the relevant period for the service connection No.452-001-1796 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act 2003 and the Tamil Nadu Electricity Supply Code 2004.

PRAYER in W.P.No.17907 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, Calling for the records relating to the impugned the order in Ka.No.U.Mi.Po/ E.Pa/Tha.Na.Vee.Va.Vaa. Division/ Aavadi/ Kovaru/ A.No.89/ date 27.06.2014 demanding a sum of Rs.15,57,212/- (Rupees Fifteen Lakhs Fifty Seven Thousand Two Hundred and Twelve Only) towards the escaped assessment during



the relevant period for the service connection No.452-001-1797 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act 2003 and the Tamil Nadu Electricity Supply Code 2004.

WEB COPY

For Petitioner : Mr.Venkatakkrishnan
[In both Wps] Change of Vakalath given

For Respondent 1 and 2 : Mr.L.Jaivenkatesh
[In both Wps] Senior Counsel for TANGEDCO

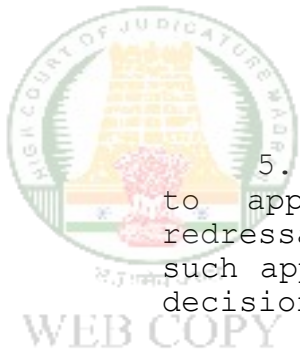
COMMON ORDER

The relief sought for in both the writ petitions are to Call for the records relating to the impugned the order in Ka.No.U.Mi.Po/ E.Pa/Tha.Na.Vee.Va.Vaa. Division/ Aavadi/ Kovaru/ A.No.88 and 89 date 27.06.2014 demanding a sum of Rs.16,52,441/- (Rupees Sixteen Lakhs Fifty Two Thousand Four Hundred and Forty One only) and Rs.15,57,212/- (Rupees Fifteen Lakhs Fifty Seven Thousand Two Hundred and Twelve Only) towards the escaped assessment during the relevant period for the service connection No.452-001-1796 and No.452-001-1797 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act 2003 and the Tamil Nadu Electricity Supply Code 2004.

2. The Audit Short fall is the cause for passing the order impugned dated 27.06.2014 and the short fall working details are also provided to the writ petitioner. Thus, the said disputed issues are to be adjudicated before the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code. Original adjudication of the disputed issues cannot be entertained in a writ proceedings, as it requires scrutinization of the documents in original and the evidences.

3. This apart, the alternate remedy provided under the Regulations are to be exhausted by the aggrieved persons before approaching the writ Court. When effective remedial measures are provided, the said procedures are to be followed, enabling the High Court to exercise. The power of Judicial review under Article 226 of the Constitution of India in an effective manner.

4. In the event of entertaining such original adjudication of issues, there is a possibility of omission or commission or error, which may cause prejudice to either of the parties. Thus, it is always preferable that such original adjudications are done by the competent Forums constituted under Regulations for the redressal of the grievances of the aggrieved persons.



5. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for redressal of their grievances and in the event of filing any such application, the Forum shall consider the same and take the decision on merits and in accordance with Law.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Co.,
144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer, (O&M),
Avadi,
Chennai Electricity Distribution Circle [West],
Tamil Nadu Electricity Distribution Circle [West]
Tamil Nadu Electricity Generation and Distribution Co.,
Avadi, Chennai - 54.

+1cc to Mr.L.Jaivenkatesh, Advocate(TANGEDCO), S.R.No.60910

W.P.Nos.17906 and 17907 of 2014 and
M.P.Nos.1 and 1 of 2014

SPD(CO)
CT 07/12/2021