



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18378 of 2014

and

M.P.Nos.1 and 2 of 2014

National Film Development Corporation,
Rep. By its Deputy General Manager,
Mr.D.Ramakrishnan,
1st Floor, Co- Optex Warehouse building,
350, Pantheon Road,
Egmore,
Chennai - 600 008.

...Petitioner

Vs

Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. By its Assistant Executive Engineer,
Pantheon Road / CEDC Central,
23, East Spur tank road,
Chennai - 600 031.

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records of the respondent in Lr.No.AEE/O&M/Pantheon Road/ Audit/ATO/D.No. undated having Electricity-S.C.No. 143.004.278 undated and received by the respondent on 09.06.2014 and to quash the same and to direct the respondents either to refund the excess amount paid towards the Electricity charges during the defective meter period along with Rs.2,22,420/- being additional deposit and also shortfall amount of Rs.1,60,177/- collected by the petitioner in July 2011 or to adjust the same in future power consumption bill of the petitioner.

For Petitioner :Mr.K.S.Natarajan

For Respondent : Mr.L.Jaivenkatesh
Senior Counsel for TANGEDCO

O R D E R

The relief sought for in the present writ petition is to call for the records of the respondent in Lr.No.AEE/O&M/Pantheon



Road/ Audit/ATO/D.No. undated having Electricity-S.C.No. 143.004.278 undated and received by the respondent on 09.06.2014 and to quash the same and to direct the respondents either to refund the excess amount paid towards the Electricity charges during the defective meter period along with Rs.2,22,420/- being additional deposit and also shortfall amount of Rs.1,60,177/- collected by the petitioner in July 2011 or to adjust the same in future power consumption bill of the petitioner.

2. The Audit short fall is the cause for issuing the impugned demand notice issued on account of change in tariff. Thus, the original dispute between the parties are sought to be adjudicated in a writ proceedings, which cannot be effectively done by this Court. In the absence of conducting an adjudication with reference to the original documents and evidences made available. Thus, the parties are bound to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code.

3. Thereafter, a remedial Forum namely Electricity Ombudsman is also functioning. Exhausting the statutory remedies provided under the Regulations is of paramount importance and in the absence of any such adjudication, it would be difficult for the High Court to venture into the original adjudication of the issues, which all are to be done by verifying the original records and the evidences to be furnished by the parties.

4. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for effective adjudication of the issues, with reference to the documents in original and evidences made available and redress the grievances.

5. In the event of filing any such application, the Forum shall entertain the same and consider the issues on merits and in accordance with Law and by affording opportunity to the parties concerned and take a decision as expeditiously as possible.

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

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

nti/jeni



To

The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Pantheon Road / CEDC Central,
23, East Spur tank road,
Chennai - 600 031.

+lcc to Mr.K.S.Natarajan, Advocate SR.No.61453

+lcc to Mr.L.Jaivenkatesh, Advocate SR.No.60909

W.P.No.18378 of 2014
and
M.P.Nos.1 and 2 of 2014

SSI (CO)
GMY (08/12/2021)