



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29565 of 2014

and

M.P.No.1 of 2014

P.S.G.Institute of Medical Sciences and Research,
Represented by its General Manager,
Post Box No.1609, Peelamedu,
Coimbatore - 641 004.

... Petitioner

Vs

The Assistant Engineer,
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO)
Tirupur Electricity Distribution Circle,
Karadivavi - 641 658.

... 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 proceedings dated 11.09.2014 in K.No:U.M.Po/E&P/Karadivavi/K.V./A. No.98, quash the same and consequently forbear the respondent from applying any Tariff other than the Tariff prescribed for private educational institutions to the electricity L.T.C.T.S.C.No.239-006-331 obtained by the petitioner for use in the rural health training centre established at Karadivavi.

For Petitioner : Mr.J.Abishek

For Respondent : Mr.L.Jai Venkatesh
For TANGEDCO

O R D E R

Change in Tariff is the dispute in the present writ petition.

2. The Demand Notice dated 11.09.2014 issued by the Assistant Engineer is questioned by the petitioner mainly on the ground that the change in tariff and the consequential demand is contrary to the facts and circumstances.



3. The learned counsel for the petitioner raised several grounds, stating that the change in tariff imposed is improper and not in consonance with the Regulations.

4. However, the facts remains that the petitioner is Medical Institution and usage of electricity in several forms are available. Thus, the disputed facts in this regard require an adjudication based on the documents and evidences. Such an elaborate adjudication cannot be undertaken by the Writ Court and therefore, the writ petitioner is bound to exhaust the alternate remedy provided under the Regulations. Further, the order under challenge is the Demand Notice and the Demand Notice has been issued based on the assessment made by the authorities and by determining the charges to be made by following the procedures as contemplated under the Tamil Nadu Electricity Supply Code or under other Regulations. Whenever a demand notice is issued, the option available to the addressee is to respond and settle the amount or raise an objection by approaching the Appellate Authority or the competent Forum constituted for adjudication of all such issues.

5. This being the procedures to be followed, High Court will not be in a position to form an opinion with reference to such disputed issues. Accordingly, the writ petitioner is at liberty to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code and in the event of filing any such application, the Forum shall take into consideration the period during which the writ petition was pending for the purpose of condoning the delay, if any such application to condone the delay is filed and decide the issues on merits and in accordance with Law and by affording opportunity to all the parties concerned.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Engineer,
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO)
Tirupur Electricity Distribution Circle,
Karadivavi - 641 658.

+1cc to Mr.A.Jenasenan, Advocate SR. No.66839

+1cc to Mr.A.Jenasenan, Advocate SR. No.66839 (10/01/2022)

W.P.No.29565 of 2014

SPD (CO)

PR (29/12/2021)